

WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS

**MARCH 18, 2025
AGENDA**

Members

Blaine Hess, Vice Chair
Savannah Morgan, Secretary
Stephanie McCoy
Ami Shaver
Vasanth Ananth
David Bowles

Jared Decker
Scott Seese
Andrew Walker
Cody Irick
Isabella Hileman

Dr. Torie Jackson
President



SCHEDULE

West Virginia University at Parkersburg Board of Governors

Tuesday, March 18, 2025

11:30 a.m.	Executive Committee	President's Conference Room - Room 1105
12:30 p.m.	Lunch - LTC Judy & Mr. Larry Becher with, the WV Army National Guard, Exploring Collaboration with the WV Army National Guard	Francis & Nina Phares Board Room - Room 1300
2:00 p.m.	Academic and Student Services Committee	Riverhawk Conference Room - Room 1101
2:00pm	Administrative Services Committee	Proud Conference Room - Room 1207
3:15 p.m.	Board Meeting	Francis & Nina Phares Board Room - Room 1300

WEST VIRGINIA UNIVERSITY AT PARKERSBURG BOARD OF GOVERNORS
Meeting of March 18, 2025
Francis & Nina Phares Board Room & Zoom
3:15 p.m.

1.	Call to Order	Blaine Hess, Vice Chair
2.	Roll Call	Lauriel Rader Secretary to the Board
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• Approval of Board of Governors Policy updating the policy for adopting or amending BOG rules (Policy A-45)	Dr. Torie Jackson, President	70
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8. Executive Session under the authority of WV Code §18B-1B-6(c), to discuss the Presidential Evaluation Possible action: Statement on the President’s Evaluation		
9. Executive Session under the authority of WV Code §6-9A-4-2A, to discuss the President’s Contract Renewal Possible action: Designate Vice Chair to negotiate contract with President and submit to the WVCTCS board		
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11. Board Comments/Announcements

12. Next Meeting -
April 15, 2025

13. Adjournment

MINUTES
WEST VIRGINIA UNIVERSITY PARKERSBURG
BOARD OF GOVERNORS
January 7, 2025

A regular meeting of the WVU Parkersburg Board of Governors was held on Tuesday, January 7, 2025, in the Francis & Nina Phares Board Room of WVU Parkersburg and via Zoom video conferencing, beginning at 3:15 p.m. Board members present were: Joe Oliverio, Blaine Hess, Savannah Morgan, Stephanie McCoy, Ami Shaver, Vasanth Ananth, David Bowles, Jared Decker, Scott Seese, Andrew Walker and Cody Irick. Others present included Dr. Torie Jackson and Lauriel Rader.

Guests present included administrators, faculty and staff.

1. Call to Order

Mr. Oliverio, Chair of the WVU Parkersburg Board of Governors, called the meeting to order.

2. Roll Call

Roll Call was taken by Lauriel Rader, Secretary to the Board of Governors, noting that a quorum was present.

3. President's Report

President Jackson delivered the following report:

Happy New Year, governors!

Two years ago, at my first conference for the National Association of Community Colleges for Entrepreneurship, NAACE, I met a man in a fox suit. It was his gig. People give him a word. He uses a typewriter and writes a poem. He receives cash. The purchaser receives crafty words from a fox - a poetry fox.

The word I gave him was two words - community college.

His poem:

"First thing you notice is they walk differently.

Some hurriedly, some with purpose.

Some students at community colleges walk quickly because they just got off work and are racing to class.

And others walk briskly because they know they're walking toward a future that they want to be here."

I remind you of this poem as a different giant animal - Ricky the Riverhawk - recently inspired our students to share some stories through our texting platform.

Ricky's two words were: first generation.

Our students responded:

"I'm first gen and I'm proud because I'm making my momma proud!"

"I am First Gen. I am proud to show that no matter where you come from, you can overcome. I'm proud of breaking generational curses."

"Yes! I'm proud because I'm a 42 year old momma who works full time and going to school the last three years. I started during covid and graduated last May with my associates and will graduate in Dec with my RBA."

"I'm proud because I want to do better for my kids."

"First Gen here. I'm proud because I've tried so many times, and now I'm finally confident that I'll be successful."

"I am a First Gen college student. I am proud because I will be able to guide other family members to a better future if they choose to do college".

"I am a first Gen college student. My parents have worked hard their whole lives and made sure that we always had what we needed. In doing so they didn't get their own chance to go to college. I'm proud of my family for where they are and hope to be a part of my family having college graduates!"

"I'm a first gen and I'm proud because it shows my determination for wanting a better future for myself and my children."

"I am a first gen student. I'm proud because I'm showing my son that you can still do it even if most of our family hasn't gone to college."

"I'm proud to be First-Gen because despite the obstacles put in my way by both my life and my family, I have found a way to go to college to better myself."

"I am first generation. I'm extremely proud of myself and hope to make myself a career that will last and hopefully make myself and my family's lives better."

"I identify as a first-generation student, and I am proud because I have the opportunity to continue my education."

“I'm a first gen. I am so proud of this because I have paid for my education with my own scholarships and grants and my loans. I haven't depended on my parents for my education. This is my second degree and I plan to eventually go further.”

“I am a first gen and I'm proud because I'm doing what my parents wanted to but never got the chance to.”

“I'm the first person to attend college in my family. Not just my immediate family but my family as a whole. I hated high school so much....when I was 16 my mother told me I could drop out if I wanted to. I never did and kept going and eventually graduated. I had my oldest daughter very young and had to raise my sister due to my mother being an addict. I'm 31 and am 1 semester away from graduating with my Bachelor's degree. I've overcome a lot to be here. I'm immensely proud of myself. My 2 daughters will get to see me walk across that stage and know that anything is possible. You don't have to let where you came from define you.”

As we start a new year, it is important to remember why we work so hard to have affordable higher education in our community. It's important to reflect on our students and the life-changing opportunities we provide them.

Your role is essential in helping govern this institution as we meet the community needs and anticipate growth during a time of enrollment decline. This is the third year that you have given me the opportunity to join you in leading this institution. In that amount of time, we have taken risks and will soon be seeing the benefit of those endeavors. We have set a plan for strategic growth and have transformed some of our facilities. And this year will be transformative. It will be exciting to report back next year on how much has transpired in 2025.

I do encourage you to reflect on the words Community College and First Generation.

What comes to your mind when you hear these words?

I can tell you that both sets of words make me WVU Parkersburg Proud because they mean that our students can Achieve More.

4. Approval of Minutes

Chairman Oliverio stated the minutes from the Regular Board meeting of October 22, 2024, are submitted for review. With no corrections to be made, minutes are approved as submitted.

5. Committee Reports

- Executive Committee

Chairman Oliverio shared updates from the Executive Committee. He shared that several Board Members attended the December commencement. The Spring

commencement will be Saturday, May 10, 2025. Mr. David Bowles agreed to serve as a new member on the Executive Committee. He shared, enrollment updates, noting a 101.3% enrollment rate and anticipated further increases. There are several upcoming events, including the State of the College Breakfast for all staff and faculty and the start of classes next week. He shared facility updates, including snow removal efforts and the Jackson County Center manufacturing class will begin next week. Cosmetology program is thriving and overflowing. They are exploring ways to expand the facility. He shared that more information would be forthcoming about the Board member orientation and the potential for replacing another board member in the future. Chairman Oliverio reminded the Board members to fill out their Ethics filings by January 31st.

- Academic and Student Services Committee

Mr. Blaine Hess reported that the Academic and Student Services Committee received an update from Dr. Lancaster on fraudulent student processes. Dr. Lancaster shared that last spring staff members realized there were issues with fraudulent students using fake social security numbers and addresses to access financial aid. Efforts to identify and weed out these fraudulent enrollees are now in place. This issue is being addressed by multiple departments and staff members, as well as the Inspector General's Office. Dr. Lancaster expressed his gratitude for the staff's efforts in identifying and combating this issue.

- Administrative Services Committee

Ms. Savannah Morgan reported that the Administrative Services Committee received an update from Jeannine Hetrick-Ratliffe about the Annual Financial Audit with CliftonLarsonAllen, LLP. They provided a brief overview of the audit scope and process and the results in the governance communication letter. They have a risk-based audit approach, reviewing estimates, budget, controls, policies, compliance and trend analysis. They noted there were no material weaknesses and an unmodified opinion, which is the highest they can provide to us.

6. Information Items

- Fiscal Update

Mr. Bradley Wilson, Director of Financial Analysis & Institutional Research, CFO, provided a detailed report on the budget summary as of month ending November 30, 2024. There were no questions from the members.

- Policy Update E-48 "Bookstores, Textbooks, and Open Educational Resources"

Dr. Torie Jackson, President, shared an update on the Board of Governors policy E-48, Bookstores, Textbooks, and Open Education Resources. Dr. Jackson reported that no substantive comments were received.

Policy E-48 for "Bookstores, Textbooks, and Open Educational Resources" did not have the words Open Educational Resources (OER) in its title. The purpose of the

policy is to ensure appropriate, high quality, and affordable Educational Materials are selected for courses by the college. This policy was last updated in 2006.

Updates to Policy E-48 include the addition of OER, including availability, costs savings and affordability, support for faculty and staff, and sustainability and innovation. The addition of OER as an option reduces the financial burden on students and fosters an innovative learning environment. This update also defines “Educational Materials” as including textbooks, articles, videos, open educational resources, and other resources.” In addition, this update also reflects the college as the manager of the bookstore. The edits also include the removal of section 4, which is copied from code and is unnecessary as the code is referenced and may be updated more frequently than policy. Also, in following with state policy, this update changes the name of the “Textbook Affordability Committee” to the “Educational Resources Affordability Committee” as is reflected in state code. The BOG will have an annual update on Educational Resource Affordability in a committee meeting from the Executive Director of Finance and Administration, who oversees the bookstore. Additionally, the required provisions are reflective of current practices.

This policy proposals will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

- Policy Update E-52 Capital Spending

Dr. Torie Jackson, President, shared an update on the Board of Governors policy E-52, Capital Spending. Dr. Jackson reported that no substantive comments were received.

Policy E-52 for “Capital Spending” is established to present guidelines, delegate authority, and assign responsibility for the governance of the capital planning and management activities of WVU Parkersburg. This policy also governs the acquisition of facilities, real property, and capital equipment by purchase, lease or lease-purchase.

Updates to Policy E-52 (last updated in 2009) includes the change of a required 10-year facility master plan to a Campus Development plan. The WV Legislature repealed the 10-year facility master plan requirement in 2019 and replaced it with the updated Campus Development plan. These plans are then approved by the BOG and forwarded to the West Virginia Community and Technical College System Council. WVU Parkersburg will be doing an updated Campus Development plan in Spring 2025.

This policy proposals will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

- Acknowledgement of tuition and fee waivers for Fiscal Year 2024

Dr. Torie Jackson, President, shared information on the acknowledgement of tuition and fee waivers for Fiscal Year 2024. Dr. Jackson reported, as noted in Board of Governors Policy E-20 for “Awarding of Student Tuition and Fee Waivers,” the following tuition waivers were provided in FY 2024.

A total of \$175,439.35 was awarded as tuition and fee waivers in the three semesters of Fall 2023, Spring 2024 and Summer 2024 combined. Of that total, \$93,022.35 was for student waivers, and \$82,417.00 was for employee waivers.

Examples of waiver scholarships include WVUP Spouse & Dependent Scholarship, WVUP Employee Scholarship, WVU Parkersburg Tuition Waiver, Presidential Scholarship (\$76,178.35, which are given to students at area high schools chosen by their schools who are not Promise eligible), HSTA Waiver and the WVUP Purple Heart Waiver.

A total of 53 students received tuition waivers in FY 2024.

7. Action Items

- Policy update and approval of the Board of Governors Policy D-53 “Campus Participation of Students with Felony and Sexual Offense Records”

Dr. Torie Jackson, President, presented to the Board the resolution for update and approval of the Board of Governors Policy D-53 “Campus Participation of Students with Felony and Sexual Offense Records”. Dr. Jackson reported, clarifying comments were received. Three people sent comments regarding this policy. Those comments were all based on the idea that this was a new policy that was allowing students with felony and sexual offense records to attend college.

Policy D-53 for “Campus Participation of Students with Felony and Sexual Offense Records” regulates the participation of students with felony and sexual offense convictions in academic and extracurricular activities and provides faculty and staff with a procedure for reviewing the appropriateness of student participation in academic activities without violating student privacy. Updates to Policy D-53 include an update of state code references, enhances the explanation of the effect of an applicant’s criminal record based on the nature of the offense(s) and any potential risk posed to the institution by the admission of the applicant, and clarifies language for record keeping and record access. It also removes the requirement for the college to have a link to the sex offender registry on the website, which is not a state code requirement.

To clarify with respondents, we noted the changes to this policy are an update in language, and not a new practice. The current Policy D-53 for “Campus Participation of Students with Felony and Sexual Offense Records” regulates the participation of students with felony and sexual offense convictions in academic

and extracurricular activities only when necessary and provides an administrative procedure for reviewing the appropriateness of student participation in academic activities without violating student privacy. This does not prevent students with felonies from attending the campus. It also is a self-reporting process. Please remember that WVU Parkersburg is an open admissions community college, but must follow guidelines for reporting and record keeping.

Updates to Policy D-53 include an update of state code references, as it follows the guidelines for every open admission college in the state in *135 Series CSR 23, Basic Guidelines and Standards for Admissions to Community and Technical Colleges*. This update enhances the explanation of the effect of an applicant's criminal record based on the nature of the offense(s) and any potential risk posed to the institution by the admission of the applicant, and clarifies language for record keeping and record access.

With your approval, this policy proposal will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

After a review of the comments and discussion, Mr. Hess moved to approve the following resolution:

Resolved, that the West Virginia University at Parkersburg Board of Governors approve an update to the Board of Governors policy D-53 "Campus Participation of Students with Felony and Sexual Offense Records"

Mr. Ananth seconded the motion. Motion passed.

- Approval of Board of Governors Policy updating the policy for employee development (Policy B-26)

Dr. Torie Jackson, President, presented to the Board the resolution for approval of the Board of Governors Policy updating the policy for employee development. Dr. Jackson reported the current Policy B-26 for "Employee Development" is established to denote the college's plans to maintain programs appropriate to the needs and resources of its employees to develop knowledge, skills, and abilities applicable to their jobs. This policy was last updated in 2005.

Upon review of the current policy and in consultation with an attorney to the Chancellor of the WV Council for Community & Technical College System, it is proposed that the current policy for WVU Parkersburg be stricken and that a new policy be added. The attorney provided the following policy as a suggestion and we have modified it to meet the process for WVU Parkersburg. This new policy will include definitions for types of employee development, eligibility requirements, reimbursement agreements, and responsibilities for both grantors and applicants.

WVU Parkersburg will continue to utilize a Professional Development Committee and the College Administration to both plan and execute opportunities for professional enhancement both at the college and at conferences deemed applicable to employee development.

A notice of proposed rulemaking will be issued proposing the revision of these policies in regards to Freedom of Information policies. If no substantial comments are received during the 30-day comment period, these policy proposals will be considered approved following the comment period without further action by the Board of Governors. Upon approval by the Board of Governors, these policy proposals will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

After review and discussion, Mr. Walker moved to approve the following resolution:

Resolved, that the West Virginia University at Parkersburg Board of Governors approve an overhaul to the Board of Governors policy B-26 “Employee Development”

Mr. Bowles seconded the motion. Motion passed.

- Approval of Board of Governors Policy updating the policy for tuition and fee waivers (Policy E-20)

Dr. Torie Jackson, President, presented to the Board the resolution for approval of the Board of Governors Policy updating the policy for tuition and fee waivers. Dr. Jackson reported the current Policy E-20 for “Awarding of Student Tuition and Fee Waivers” is established to present guidelines for tuition and fee waivers. This policy was last updated in 2018.

Changes to Policy E-20 include the addition of FAFSA requirements for receipt of tuition and fee waivers. This allows for any applicable state and federal grants to be received by the institution before this last-dollar-in waiver is applied. It also denotes the addition of the number of waivers awarded and the total cost as being added into the BOG minutes annually. Finally, current code authorizations for waivers are updated.

The two largest categories of tuition and fee waivers are for employees and their spouses and dependents, as well as for Presidential Scholars. The Presidential Scholars group recognizes one student from each of the high schools in our 7-county service region and from the CTE centers. These students are chosen by the administration in their schools and are not Promise eligible.

A notice of proposed rulemaking will be issued proposing the revision of these policies in regards to Freedom of Information policies. If no substantial comments

are received during the 30-day comment period, these policy proposals will be considered approved following the comment period without further action by the Board of Governors. Upon approval by the Board of Governors, these policy proposals will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

After review and discussion, Ms. Morgan moved to approve the following resolution:

Resolved, that the West Virginia University at Parkersburg Board of Governors approves an update to the Board of Governors policy E-20 “Awarding of Student Tuition and Fee Waivers”

Mr. Seese seconded the motion. Motion passed.

- Approval of Board of Governors Policy updating the policy for freedom of expression on campus (Policy F-11)

Dr. Torie Jackson, President, presented to the Board the resolution for approval of the Board of Governors Policy updating the policy for freedom of expression on campus. Dr. Jackson reported the current Policy F-11 for “Freedom of Expression and Use of Facilities” applies to all non-commercial speech on the campuses of WVU Parkersburg. This policy was last updated in 2002.

Changes to Policy F-11 begin with a name change to the policy and then include definitions such as “outdoor assembly areas” and “freedom of expression” to be in line with WV Code §18B-2A-4 It also outlines the definitions to ensure that gatherings continue to maintain order and public safety on campus.

A notice of proposed rulemaking will be issued proposing the revision of these policies in regards to Freedom of Information policies. If no substantial comments are received during the 30-day comment period, these policy proposals will be considered approved following the comment period without further action by the Board of Governors. Upon approval by the Board of Governors, these policy proposals will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

After review and discussion, Mr. Hess moved to approve the following resolution:

Resolved, that the West Virginia University at Parkersburg Board of Governors approves an update to the Board of Governors policy F-11 “Freedom of Expression on Campus”

Mr. Seese seconded the motion. Motion passed.

- Approval of Two New Programs: AAS Radiologic Technology and CAS Computing Technologies

Dr. David Lancaster, Executive Vice President for Academic Affairs, presented to the Board the resolution for approval of two new programs: AAS Radiologic Technology and CAS Computing Technologies. Dr. Lancaster reported that healthcare has encountered numerous challenges in recent years, with radiology playing a crucial role in the overall functioning of healthcare systems. At the core of all imaging processes are Radiologic Technologists. Radiologic Technologists are responsible for conducting all imaging examinations within healthcare settings. After completing their education, they can specialize in various areas, including Computerized Tomography, Magnetic Resonance Imaging, and Interventional Radiology, among others. Hospitals have faced difficulties in filling these positions due to a shortage of graduates in the field. This program will not only address immediate staffing needs at local hospitals but also support rural healthcare partners who are facing similar challenges.

A CAS in Computing Technologies will be a lead into both the CS and CIT programs, as all classes are required in both. This will provide an additional credential for students as they work through these programs and provide an incentive for HS students to take additional classes through us as well. The Wood County School's tech center offers a 1-year completer program in computer systems. WVUP administration worked with Dr. Jason Hughes to develop this curriculum so that students in that program will be able to get dual credit in their junior year for four of these classes, then come to our campus for a half-day their senior year and take our classes to complete this certificate. These students will then have Math, English, and all the common classes shared between the CS and CIT degree, fast tracking them to completing either of those programs with one year of college credit completed.

The attached programs of study have been approved by the College-wide Curriculum Committee, the Executive Vice President for Academic Affairs, and the President.

After review and discussion, Mr. Seese moved to approve the following resolution:

Resolved, that the West Virginia University at Parkersburg Board of Governors approves the following programs: Associate of Applied Science in Radiologic Technology and Certificate of Applied Science in Computing Technologies

Mr. Ananth seconded the motion. Motion passed.

- Approval of Educational Partnerships with Local Prison Facilities

Dr. David Lancaster, Executive Vice President for Academic Affairs, presented to the Board the resolution for approval of educational partnerships with local prison facilities. Dr. Lancaster reported, West Virginia University Parkersburg's mission is

to provide accessible, life-changing educational opportunities. To that end, WVUP is committed to expanding educational access to underserved populations, including incarcerated individuals. The FAFSA Simplification Act, effective July 1, 2023, reinstated Pell Grant eligibility for incarcerated students, which presents a significant opportunity to expand access to higher education for incarcerated individuals. The Higher Learning Commission requires prior approval for institutions to offer Pell-eligible prison education programs and Board approval is the first step in the process.

Currently, the West Virginia Division of Corrections and Rehabilitation and the West Virginia Department of Education Schools of Diversion and Transition have identified interest and have capacity for WVUP to offer the Associate of Applied Science in Welding Technology at St Marys Correctional Center and Parkersburg Correctional Center.

After review and discussion, Mr. Hess moved to approve the following resolution:

Resolved, that the West Virginia University at Parkersburg Board of Governors approves the following program: Certificate of Applied Science in Esthetics

Mr. Walker seconded the motion. Motion passed.

8. Executive Session under the authority of WV Code §18B-1B-6(c), to discuss the Presidential Evaluation

Chairman Oliverio asked for a motion to move into Executive Session, under authority of WV Code §18B-1B-6(c), to discuss the Presidential Evaluation. Mr. Hess moved to adjourn to Executive Session. Mr. Seese seconded the motion. The motion passed and the Board moved into Executive Session at approximately 4:04 p.m.

Chairman Oliverio announced the Board would return to the regular meeting at 4:55 p.m. Mr. Hess moved to return to regular session. Ms. Morgan seconded the motion. Motion passed.

9. Board Comments/Announcement

There were no comments or announcements.

10. Next Meeting

Chairman Oliverio shared the next meeting will be held March 18, 2025.

11. Adjournment

With no further business to be discussed, Chairman Oliverio adjourned the regular meeting of the Board of Governors.

Respectfully submitted,

Lauriel Rader
Secretary to the Board of Governors

Joe Oliverio, Chair

Savannah Morgan, Secretary

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Fiscal Update

RECOMMENDED RESOLUTION: Information Only

STAFF MEMBER: Bradley Wilson, Director of Financial Analysis
& Institutional Research, CFO

BACKGROUND:

Bradley Wilson will report on the state of the college's finances and the budget for month ending February 28, 2025.

Meeting Date: March 18, 2025

To: Board of Governors

RE: February 2025 Budget Report

Greetings Board Members,

As of February 28th, we are 67% through the budget year. Revenues total 78% of the annual budgeted revenue with expenses coming in at 70% of the annual budgeted expenses, with an overage due to the \$5 million transfer to the WVU Parkersburg Foundation. Without the transfer, expenses total 65% of the annual budget.

The expenditures of the college are structured to support the five pillars of the WVUP strategic plan as follows:

- **Enrollment management** – WVUP allocates sufficient financial resources to support a highly qualified team of individuals to recruit, enroll, and ensure the success of our students. We also ensure that sufficient resources are allocated for supplies, travel & training, and the other costs necessary to recruit, enroll, advise, and retain students. For example, a committee dedicated to supporting and fostering retention, intervention, and student support has been established to increase markers in these areas.
- **Community Relations & Engagement** – WVUP allocates sufficient funds to support the public relations efforts necessary to ensure the public is aware of the outstanding programs and services offered by WVUP. For example, the WVUP community delivered 143 pounds of donated pet food and supplies to the local Humane Society as part of National Love Your Pet Day.
- **Educational program quality** – WVUP expends its resources to recruit and support talented and competent faculty and their efforts to create quality academic courses and assess their effectiveness. Program reviews for every degree program at WVUP are completed annually to review data and performance. Resources are allocated for assessment and institutional research to analyze course outcomes and identify trends to better instruct our students.
- **Branding & Marketing** – As you have noticed when out and about, WVU Parkersburg is very present in our service area through various advertisements and marketing campaigns. Once regarded as the “best-kept secret of the Mid-Ohio Valley”, WVUP has thrust itself into the public spotlight with in-demand programs, unmatched student support, and affordable rates. To keep the area aware of our offerings, regular print ads, television commercials, billboards, radio spots, streaming ads, movie theater advertisements, and several others are on a constant loop.
- **Workplace Culture** – In order to keep up with fair market labor trends, over the last year, WVUP has enacted equity raises for faculty and staff. This makes institutional wages much more competitive and allow our employees to maintain a quality standard of living while helping our students achieve success.

Tuition & Fees – Billed tuition and fees for Fall 2024 and Spring 2025 are up \$1,246,882 over the prior year terms. Not surprisingly, collections of tuition and fees are up \$785,888 over this time last year.

State Appropriations – WVUP collects its state appropriations 30% in the first quarter, 30% in the second quarter, 20% in the third quarter, and 20% in the fourth quarter. The accelerated cash flow helps ensure that we have sufficient funds to pay payroll costs at WVUP as 100% of

the appropriation is used for payroll support. Amounts are higher in FY 2025 to reflect the supplement provided for this fiscal year to cover the Governor's pay increase and PEIA costs.

Grant Revenue – The majority of non-state appropriated revenues comes from grants. WVUP has several grants that support growth in our nursing program and the JCC ATC expansion. As the year progresses, we expect grant revenues and expenditures to increase as we implement and expend grant proceeds from the incumbent worker training grant, the EDA JCC equipment grants, and the USDA-based Memorial Health System nursing grant. There is approximately \$ 2,041,510 due in outstanding invoices from grantors.

Personnel costs – Personnel costs (salaries, taxes, and benefits) are currently 65% and have remained in line with the budgeted amounts. I want to highlight this as payroll is over 60% of the annual budget.

Hospitality & Food Products – The food products line is at 45% due to significant increases in traffic and sales at Ricky's Café. The cafeteria sales are up 4% at this time compared to the prior year.

Insurance – The third quarterly installment of the BRIM insurance has posted bringing the expense to 75% a month ahead of schedule.

Merchandise for Resale – The bookstore invoices for eCampus have been processed for the Spring semester, raising the expenses to 75%. The offsetting revenue for this increase is currently outstanding and is included in the billings sent to third-party payers of students' tuition, fees, and books, as well as remaining financial aid to be processed.

Education Supplies – With increases in enrollment primarily to the Nursing program, supply costs have increased to 45% of the annual budget. WVUP currently has grant funds to cover many of these costs for the remainder of the year.

Utilities – Utility costs are continuing to trend high at 73% due to increased enrollment and the record high temperatures experienced in the first and second quarters. Higher than average electric usage during that time and significant water usage at the farm to fight drought conditions elevated these costs.

Miscellaneous Other Expenses – Miscellaneous other expenses are high at 98% due to the \$5 million transfer to the WVU Parkersburg Foundation to aid in the renovation of the Innovation and Technology Center. Without this entry, the expenses in this category fall at 0.2% of the current budget.

Service Agreement with WVU – The third quarterly payment of the WVU service agreement has posted bringing the expense to 75% a month ahead of schedule.

Equipment – Equipment purchases are at 99% due to the purchase of industrial equipment for the Jackson County Center Applied Technology programs. All equipment for this project has now been received, for a total of \$1,644,180 or 83% of the current budget.

Overall, February results reflect a stable financial performance two-thirds of the way through the year.

Bradley Wilson, CFO

**West Virginia University at Parkersburg
Cash Basis Consolidated Budget Report
One Month Ended February 28, 2025**

	Approved FY 2025 Budget	Projected FY 2025 Budget	2/29/2024	2/28/2025	Remaining Unexpended Budget	% of Budgeted Total
Inflows:						
State Appropriations	11,561,838	11,561,838	8,955,022	9,249,470	2,312,368	80%
Tuition & Fees, Net	9,647,000	9,647,000	8,051,927	8,837,815	809,185	92%
Rental income	32,580	32,580	13,780	20,730	11,850	64%
Workforce & Economic Development	315,000	315,000	320,498	256,206	58,794	81%
Grant Revenues	5,631,205	5,991,204	2,456,392	2,893,848	3,097,356	48%
Other Revenues	1,495,860	1,495,860	1,403,564	1,408,933	86,927	94%
Debt Service	-	-	(256,052)	-	-	0%
Less HERA Assessments	(105,000)	(111,240)	(70,344)	(83,429)	(27,811)	75%
Total Inflows	28,578,483	28,932,242	20,874,786	22,583,573	6,348,669	78%
Outflows:						
Faculty	4,710,000	4,960,000	2,675,067	3,093,920	1,866,080	62%
Nonclassified staff	4,060,578	4,060,578	2,467,262	2,503,836	1,556,742	62%
Classified staff	3,707,550	3,707,550	2,393,358	2,758,054	949,496	74%
Adjunct faculty	900,000	940,000	635,400	592,485	347,515	63%
Student workers	425,755	425,755	195,011	186,390	239,365	44%
Payroll taxes	1,023,430	1,023,430	560,870	611,733	411,697	60%
Employee insurance	1,500,000	1,525,000	1,042,837	1,144,212	380,788	75%
Retirement plan contributions	802,135	802,135	433,950	478,619	323,516	60%
OPEB	179,593	179,593	-	45,267	134,326	25%
Fringes	240,289	240,289	43,893	51,006	189,283	21%
Advertising and promotion	669,083	669,083	447,237	359,835	309,248	54%
Awards & Scholarships	331,882	331,882	176,855	107,562	224,320	32%
Household supplies	92,770	92,770	43,902	34,896	57,874	38%
Computer supplies	895,000	895,000	387,254	415,000	480,000	46%
Hospitality & food products	242,000	262,000	161,182	168,341	93,659	64%
Student activities	25,845	25,845	18,721	14,257	11,588	55%
Insurance	187,500	174,132	136,926	130,599	43,533	75%
Routine maint. contracts	117,435	117,435	104,097	29,048	88,387	25%
Office expenses	55,500	55,500	13,845	22,765	32,735	41%
Merchandise for Resale	75,000	75,000	-	56,114	18,886	75%
Other general expenses	36,500	61,500	13,014	30,280	31,220	49%
Postage & freight	35,800	35,800	12,920	20,096	15,704	56%
Printing & binding	50,000	50,000	16,244	20,789	29,211	42%
Rent expense	227,988	227,988	118,993	92,634	135,354	41%
Education supplies	724,432	724,432	387,724	441,821	282,611	61%
Telephone & cell phones	114,927	114,927	64,332	45,714	69,213	40%
Training	130,615	130,615	54,278	58,055	72,560	44%
Utilities	698,850	698,850	449,278	507,712	191,138	73%
Bank fees	65,000	65,000	36,512	36,297	28,703	56%
Fleet expenses	15,700	15,700	7,573	8,195	7,505	52%
Travel	217,335	217,335	89,366	101,161	116,174	47%
Professional, consultants, contract labor	2,476,028	2,476,028	1,144,510	1,537,999	938,029	62%
Repairs & Maintenance	316,050	316,050	154,173	123,735	192,315	39%
Library books & materials	92,000	92,000	56,211	46,185	45,815	50%
Miscellaneous other expenses	94,613	5,094,612	-	5,000,184	94,428	98%
Membership dues	66,790	66,790	44,923	43,017	23,773	64%
Service agreement WVU	250,000	250,000	187,500	187,500	62,500	75%
Equipment	1,930,010	1,980,010	541,283	1,964,878	15,132	99%
Capital projects	794,500	2,642,200	302,905	766,343	1,875,857	29%
Total outflows	28,578,483	35,822,814	15,619,406	23,836,532	11,986,282	67%
Surplus (deficit) from operations	-	(6,890,572)	5,255,379	(1,252,959)		
Surplus Utilization Approved	300,000	7,147,700	-	-		
Net surplus (deficit)	300,000	257,128	5,255,379	(1,252,959)	-	-

Benchmark Percentage for Period 67%

West Virginia University at Parkersburg Cash Basis Operating Budget Report One Month Ended February 28, 2025						
	Approved FY 2025 Budget	Projected FY 2025 Budget	2/29/2024	2/28/2025	Remaining Unexpended Budget	% of Budgeted Total
Inflows:						
State Appropriations	11,561,838	11,561,838	8,955,022	9,249,470	2,312,368	80%
Tuition & Fees, Net	9,647,000	9,647,000	8,051,927	8,837,815	809,185	92%
Rental income	32,580	32,580	13,780	20,730	11,850	64%
Workforce & Economic Development	315,000	315,000	320,498	256,206	58,794	81%
Grant Revenues	-	25,000	-	-	25,000	N/A
Other Revenues	1,495,860	1,495,860	1,403,564	1,408,933	86,927	94%
Debt Service	-	-	(256,052)	-	-	N/A
Less HERA Assessments	(105,000)	(111,240)	(70,344)	(83,429)	(27,811)	75%
Total Inflows	22,947,278	22,966,038	18,418,394	19,689,725	3,276,313	86%
Outflows:						
Faculty	4,196,632	4,196,632	2,171,195	2,500,283	1,696,349	60%
Nonclassified staff	3,598,929	3,598,929	2,304,724	2,158,046	1,440,883	60%
Classified staff	3,707,550	3,707,550	2,302,064	2,717,557	989,993	73%
Adjunct faculty	882,497	882,497	528,862	530,860	351,637	60%
Student workers	425,755	425,755	182,136	179,761	245,994	42%
Payroll taxes	941,833	941,833	492,608	544,416	397,417	58%
Employee insurance	1,392,111	1,392,111	933,488	1,021,536	370,575	73%
Retirement plan contributions	744,652	744,652	384,872	424,779	319,873	57%
OPEB	167,521	167,521	(0)	40,851	126,670	24%
Fringes	223,521	223,521	38,645	45,056	178,465	20%
Advertising and promotion	611,261	611,261	443,128	352,903	258,358	58%
Awards & Scholarships	15,000	15,000	-	50	14,950	0%
Household supplies	70,170	70,170	41,997	34,405	35,765	49%
Computer supplies	895,000	895,000	497,876	381,468	513,532	43%
Hospitality & food products	235,000	235,000	158,389	158,547	76,453	67%
Student activities	25,845	25,845	18,036	14,114	11,731	55%
Insurance	187,500	174,132	136,926	130,599	43,533	75%
Routine maint. contracts	117,435	117,435	28,445	29,048	88,387	25%
Office expenses	54,000	54,000	12,601	22,126	31,874	41%
Merchandise for Resale	75,000	75,000	-	56,114	18,886	75%
Other general expenses	26,000	51,000	15,709	3,877	47,123	8%
Postage & freight	35,800	35,800	11,941	20,096	15,704	56%
Printing & binding	50,000	50,000	14,544	20,789	29,211	42%
Rent expense	175,908	175,908	93,172	40,634	135,274	23%
Education supplies	465,757	465,757	224,874	237,350	228,407	51%
Telephone & cell phones	114,927	114,927	64,332	45,714	69,213	40%
Training	111,115	111,115	32,315	46,911	64,204	42%
Utilities	696,450	696,450	447,775	502,721	193,729	72%
Bank fees	65,000	65,000	36,512	36,297	28,703	56%
Fleet expenses	15,700	15,700	7,573	8,195	7,505	52%
Travel	170,010	170,010	52,234	73,304	96,706	43%
Professional, consultants, contract labor	745,634	745,634	577,389	404,014	341,620	54%
Repairs & Maintenance	316,050	316,050	151,723	123,735	192,315	39%
Library books & materials	92,000	92,000	56,211	46,185	45,815	50%
Miscellaneous other expenses	7,600	5,007,600	-	5,000,184	7,416	100%
Membership dues	66,790	66,790	44,923	43,017	23,773	64%
Service agreement WVU	250,000	250,000	187,500	187,500	62,500	75%
Equipment	180,825	230,825	374,781	86,357	144,468	37%
Capital projects	794,500	2,642,200	159,141	766,355	1,875,845	29%
Total outflows	22,947,278	29,856,610	13,228,641	19,035,755	10,820,855	64%
Surplus (deficit)	-	(6,890,572)	5,189,753	653,970	-	
Reserves Budgeted for Use	300,000	7,147,700	-	-	-	
Net surplus (deficit)	300,000	257,128	5,189,753	653,970	-	-

**West Virginia University at Parkersburg
Cash Basis Grant Budget Report
One Month Ended February 28, 2025**

	Approved FY 2025 Budget	Projected FY 2025 Budget	2/29/2024	2/28/2025	Remaining Unexpended Budget	% of Budgeted Total
Inflows:						
State Appropriations	-	-	-	-	-	0%
Tuition & Fees, Net	-	-	-	-	-	0%
Child Care	-	-	-	-	-	0%
Rental income	-	-	-	-	-	0%
Workforce & Economic Development	-	-	-	-	-	0%
Grant Revenues	5,631,205	5,966,205	2,456,392	2,893,848	3,072,357	49%
Other Revenues	-	-	-	-	-	0%
Debt Service	-	-	-	-	-	0%
Less HERA Assessments	-	-	-	-	-	0%
Total Inflows	5,631,205	5,966,205	2,456,392	2,893,848	3,072,357	49%
Outflows:						
Faculty	513,368	763,368	503,872	593,636	169,732	78%
Nonclassified staff	461,649	461,649	162,538	345,791	115,858	75%
Classified staff	-	-	91,294	40,497	(40,497)	N/A
Adjunct faculty	17,503	57,503	106,538	61,625	(4,122)	107%
Student workers	-	-	12,875	6,629	(6,629)	N/A
Payroll taxes	81,597	81,597	68,262	67,317	14,280	82%
Employee insurance	107,889	132,889	109,350	122,676	10,213	92%
Retirement plan contributions	57,483	57,483	49,077	53,839	3,644	94%
OPEB	12,072	12,072	0	4,416	7,656	37%
Fringes	16,768	16,768	5,248	5,950	10,818	35%
Advertising and promotion	57,822	57,822	4,109	6,933	50,889	12%
Awards & Scholarships	316,882	316,882	176,855	107,512	209,370	34%
Household supplies	22,600	22,600	1,906	491	22,109	10%
Computer supplies	-	-	(110,621)	33,531	(33,531)	N/A
Hospitality & food products	7,000	27,000	2,793	9,794	17,206	36%
Student activities	-	-	685	143	(143)	0%
Routine maint. contracts	-	-	75,652	-	-	0%
Office expenses	1,500	1,500	1,244	640	860	43%
Merchandise for Resale	-	-	-	-	-	
Other general expenses	10,500	10,500	(2,695)	26,403	(15,903)	251%
Postage & freight	-	-	979	-	-	0%
Printing & binding	-	-	1,700	-	-	0%
Rent expense	52,080	52,080	25,822	52,000	80	0%
Education supplies	258,675	258,675	162,850	204,470	54,205	79%
Telephone & cell phones	-	-	-	-	-	0%
Training	19,500	19,500	21,963	11,143	8,357	57%
Utilities	2,400	2,400	1,503	4,990	(2,590)	0%
Fleet expenses	-	-	-	-	-	0%
Travel	47,325	47,325	37,131	27,857	19,468	59%
Professional, consultants, contract labor	1,730,394	1,730,394	567,122	1,133,985	596,409	66%
Repairs & Maintenance	-	-	2,450	-	-	0%
Miscellaneous other expenses	87,013	87,013	-	-	87,013	0%
Membership dues	-	-	-	-	-	0%
Equipment	1,749,185	1,749,185	166,502	1,878,521	(129,336)	107%
Capital projects	-	-	143,764	(12)	12	N/A
Total outflows	5,631,205	5,966,205	2,390,765	4,800,777	1,165,428	80%
Projected surplus (deficit)	-	-	65,627	(1,906,929)		

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Policy update to the Board of Governors policy B-26 "Employee Development"

RECOMMENDED RESOLUTION: Information only

STAFF MEMBER: Dr. Torie Jackson, President

BACKGROUND:

No substantive comments were received. Policy is considered approved 30 days from the January 7, 2025, meeting of the WVU Parkersburg Board of Governors.

Policy B-26 for "Employee Development" is established to denote the college's plans to maintain programs appropriate to the needs and resources of its employees to develop knowledge, skills, and abilities applicable to their jobs. This policy was last updated in 2005.

Upon review of the current policy and in consultation with an attorney to the Chancellor of the WV Council for Community & Technical College System, it was proposed that the current policy for WVU Parkersburg be stricken and that a new policy be added. The attorney provided the following policy as a suggestion and we have modified it to meet the process for WVU Parkersburg. This new policy will include definitions for types of employee development, eligibility requirements, reimbursement agreements, and responsibilities for both grantors and applicants.

WVU Parkersburg will continue to utilize a Professional Development Committee and the College Administration to both plan and execute opportunities for professional enhancement both at the college and at conferences deemed applicable to employee development.

This policy proposal will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

West Virginia University Parkersburg Board of Governors

POLICY B-26

EMPLOYEE DEVELOPMENT

Section 1. General.

- 1.1. Scope. -- The purpose of employee development is to increase professionalism, productivity, and individual and organizational effectiveness. The purpose of this policy is to create and promote a culture that is dedicated to maintaining a learning organization
- 1.2. Authority. -- [W.Va. Code §18B-1-6](#) and [§18B-7-6](#)
- 1.3. Effective Date – March 18, 2025 (Replaces version dated April 8, 2005)

SECTION 2. SCOPE AND APPLICABILITY

- 2.1 Subject to appropriate supervisory approval, any employee of West Virginia University Parkersburg is eligible to participate in employee development programs appropriate to his or her position or as requested or required by his or her supervisor.

SECTION 3. DEFINITIONS

- 3.1 Competencies - Set of behaviors encompassing skills, knowledge, abilities, and personal attributes that are critical to successful work accomplishment. Core Competencies are skills, knowledge, and abilities that employees must possess in order to successfully perform job functions that are essential to business operations.
- 3.2 Developmental Activities - Activities that focus on preparing employees for future responsibilities while increasing their capacity to perform their current jobs.
- 3.3 Grantor - The entity or funding body for professional development activities or classes. Examples of grantors of professional development funding include, but are not limited to, the Office of Academic Affairs, the Classified Staff Council, or any individual unit of the institution that may approve funding for development activities or classes.
- 3.4 Human Resource Development (HRD) - A set of systematic and planned activities designed by an organization to provide its members with the necessary skills to meet current and future job demands.
- 3.5 Knowledge - Level of learning characterized by the ability to recall specific facts.
- 3.6 Learning Management System – A software application for administering, documenting, tracking, reporting, automating, and delivering educational courses, training programs, materials, or learning and development programs.
- 3.7 Organizational Development - Process of enhancing the effectiveness of an organization and the well-being of its members through planned interventions.

- 3.8 Training – A planned process of providing knowledge, skills, and abilities through learning experience to achieve effective performance in a specific task or job or a range of tasks or jobs.
- 3.9 Advanced Professional Development - Any academy, class, conference, course program, seminar, or training attended by an employee that is not required by his or her current position, is not required for the performance of his or her current job responsibilities, and is intended to develop a higher level of skill, to increase professional or technical knowledge, or to obtain an advanced level of professional accreditation. Advanced professional development does not include routine job training, training required for the employee's performance of his or her current job responsibilities, attendance at professional conventions, seminars, continuing professional education, or any form of training required to renew an employee's professional accreditation.

SECTION 4. POLICY

- 4.1 West Virginia University Parkersburg shall maintain programs and a learning management system appropriate to the needs and resources of the institution for human resource development, organizational development, and to improve the competencies, knowledge, skills, and abilities of its employees.

SECTION 5. BACKGROUND OR EXCLUSIONS

- 5.1 While there are many byproducts of development and training (e.g., increased knowledge and personal satisfaction), the real measure of developmental success is improved job performance.
- 5.2 Teaching, expanding knowledge and creativity, and devoting knowledge to public service are considered primary goals of higher education. These goals are achieved by and through college faculty and staff. Therefore, the efforts of the Board of Governors and this institution in supporting, developing, and renewing the faculty and staff members directly involved in helping West Virginians learn are vitally important to accomplishing the mission and goals of West Virginia University Parkersburg.
- 5.3 West Virginia University Parkersburg recognizes the general and specific benefits derived from efforts to improve employees' personal and professional effectiveness. Students rely on current, knowledgeable, and relevant instruction and benefit from research that improves teaching skill and knowledge. The people and economy of West Virginia benefit from new applications of knowledge and technology that enable more and better jobs, a higher standard of living, and enhanced knowledge and quality of life. Employees, especially individual faculty members, benefit from being able to teach, acquire a new knowledge, serve public needs, and perform institutional and professional roles more effectively. The College benefits from enhanced capacity and flexibility to carry out its mission in an era where it is more practical to enhance or renew skills and knowledge of existing employees. Therefore, West Virginia University Parkesburg affirms the unique, integral contribution of its employees and faculty members to the mission of higher education: teaching, producing scholarly work that contributes to knowledge and creativity, and serving public and institutional needs. The college further recognizes through its policy and actions that the knowledge and skills of employees and faculty need to be developed, maintained, supported, and renewed and that the primary responsibility for accomplishing these ends resides with the institution.

SECTION 6. GENERAL PROVISIONS

- 6.1 Eligibility and Other Requirements

- 6.1.1 To be eligible for professional development funding, applicants must have been employed by the college for a minimum of one year. Employees with less than one year of service may apply for funding to take a class or attend a seminar or other job-related training activity when required to do so by their supervisor.
- 6.1.2 Development activities funded by the college must be job-related. Applicants who request tuition assistance for college credit should be working toward a degree in his or her field of employment or in a field designated by the supervisor.
- 6.2 The college shall select employees for professional development opportunities on a nonpartisan, nondiscriminatory basis without regard to race, religion, sex, age, national origin, or handicap conditions, using fair and meaningful criteria which will afford all employees with opportunities to enhance their knowledge and skills.
- 6.3 The college makes awards for development activities on a semester by semester basis, and awards may be limited due to the availability of funds.
- 6.4 Reimbursement Agreement
 - 6.4.1 The College may enter into a reimbursement agreement with the employee for repayment of costs for advanced professional development. The agreement shall contain reasonable provisions for continuing service after completion of the advanced professional development. The agreement must be executed by the college and the employee prior to approval and acceptance of funding for advanced professional development.
 - 6.4.2 An employee under such agreement who voluntarily leaves employment with the college after receiving advanced professional development, but prior to the expiration of the negotiated continuing service period, shall repay a pro-rata portion of the training compensation as provided in the reimbursement agreement.
- 6.5 Tuition Waivers
 - 6.5.1 Graduate Classes - Before applying for funding for graduate classes, applicants are required to seek waivers from the graduate institution. Applications for tuition waivers at other institutions may be obtained from the individual institution. Waiver forms must be completed and returned to the granting institution by their deadline.
 - 6.5.2 Undergraduate Classes - Any current employee may request a West Virginia University Parkersburg tuition waiver to pay for classes taken at the college. Employees may request such waiver applications through the Office of Student Financial Aid.
- 6.6 An applicant shall not be considered for tuition at a private or out-of-state institution unless an equivalent course program cannot be acquired at a public West Virginia institution or it has been agreed upon prior to application by the supervisor.
- 6.7 An applicant shall not receive funds for classes when receiving other types of financial aid (i.e., Pell grants or financial aid assistance and professional development funding simultaneously).
- 6.8 If the request for funding is approved and the applicant does not attend the development activity, he or she is responsible for contacting the grantor in writing so the encumbered money can be used for

someone else.

- 6.9 If the applicant withdraws from the class or receives a failing grade, he or she must repay the funds expended by the grantor.

SECTION 7. RESPONSIBILITIES

- 7.1 Grantors of professional development funding shall develop a form and procedure for the application and processing of requests for professional development funding. The form and procedures shall be made available to all employees via the institutional intranet.
- 7.2 Requests for funding must be approved prior to registration or enrollment for any development activity.
- 7.3 An applicant must show a relationship to assigned duties or chosen degree programs, or need for training, development, or continuing education.
- 7.4 Those applying for funding for course credits are not limited to a set number of hours.

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Policy update to the Board of Governors policy E-20 “Awarding of Student Tuition and Fee Waivers”

RECOMMENDED RESOLUTION: Information Only

STAFF MEMBER: Dr. Torie Jackson, President

BACKGROUND:

No substantive comments were received. Policy is considered approved 30 days from the January 7, 2025, meeting of the WVU Parkersburg Board of Governors.

Policy E-20 for “Awarding of Student Tuition and Fee Waivers” is established to present guidelines for tuition and fee waivers. This policy was last updated in 2018.

Changes to Policy E-20 include the addition of FAFSA requirements for receipt of tuition and fee waivers. This allows for any applicable state and federal grants to be received by the institution before this last-dollar-in waiver is applied. It also denotes the addition of the number of waivers awarded and the total cost as being added into the BOG minutes annually. Finally, current code authorizations for waivers are updated.

The two largest categories of tuition and fee waivers are for employees and their spouses and dependents, as well as for Presidential Scholars. The Presidential Scholars group recognizes one student from each of the high schools in our 7-county service region and from the CTE centers. These students are chosen by the administration in their schools and are not Promise eligible.

This policy proposal will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

West Virginia University Parkersburg Board of Governors

POLICY E-20

AWARDING OF STUDENT TUITION AND FEE WAIVERS

Section 1. General

- 1.1 Scope. Policy regarding awarding tuition and fee waivers at West Virginia University Parkersburg.
- 1.2 Authority. West Virginia Code, [§18B-2A-8](#); [§ 18B-10-5\(b\)](#); [§18B-10-6a](#); [§18B-10-7](#)
 - 1.2.1. Pursuant to W. Va. Code §18B-2A-8, by memorandum from the Chancellor dated November 30, 2011, the Council for Community and Technical College Education extended to all institutions under its jurisdiction the flexibility of an unlimited number of tuition and fee waivers.
- 1.3 Effective Date. March 18, 2025. (Replaces version dated March 16, 2018)

Section 2. Purpose

- 2.1 West Virginia University Parkersburg may establish tuition and fee waivers for students in undergraduate studies entitling recipients to a partial or full waiver of student tuition and fees, subject to the conditions and limitations contained in this policy.
- 2.2 Tuition and fee waivers may be used to recruit high-quality students, to meet enrollment goals and to enhance the academic reputation of the Institution.

Section 3. Tuition and Fee Waivers

- 3.1 Each undergraduate fee waiver entitles the recipient to attend the institution without payment of all or part of the tuition and fees as may be prescribed by this policy for a period of time not to exceed eight semesters of undergraduate study. Twelve or more semester hours attempted during a regular semester or a summer term shall be considered as one semester for waiver purposes.
 - 3.1.1. Students shall submit applications for a tuition and academic fee waiver once per academic year, and the College will award such waivers on a semester basis.
 - 3.1.2. The Tuition and Fee Waiver Program is a last dollar in program, meaning that all other forms of financial aid must be applied to the tuition first. Waivers granted through this program must never be more than the total cost of tuition and fees, when taken into aggregate with other forms of financial aid.
 - 3.1.3. Students must complete a Free Application for Federal Student Aid (FAFSA) each year in addition to the waiver application.
- 3.2 The governing board authorizes the institution to: award partial or full undergraduate tuition and fee waivers; determine the value of a waiver; issue and cancel certificates entitling the recipients to the benefits thereof; and determine the rights and duties of the recipients with respect to the fee waivers.

Section 4. Annual Reports

- 4.1 The awarding of tuition and fee waivers shall be entered in the minutes of the meetings of the governing board annually by noting the number awarded and the total cost.

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Policy update to the Board of Governors policy F-11 “Freedom of Expression on Campus”

RECOMMENDED RESOLUTION: Information Only

STAFF MEMBER: Dr. Torie Jackson, President

BACKGROUND:

No substantive comments were received. Policy is considered approved 30 days from the January 7, 2025, meeting of the WVU Parkersburg Board of Governors.

Policy F-11 for “Freedom of Expression and Use of Facilities” applies to all non-commercial speech on the campuses of WVU Parkersburg. This policy was last updated in 2002.

Updates to Policy F-11 begin with a name change to the policy and then include definitions such as “outdoor assembly areas” and “freedom of expression” to be in line with WV Code §18B-2A-4 It also outlines the definitions to ensure that gatherings continue to maintain order and public safety on campus.

This policy proposal will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

West Virginia University Parkersburg Board of Governors

**POLICY F-11
FREEDOM OF EXPRESSION ON CAMPUS**

Section 1. General

- 1.1 Scope – This policy applies to all non-commercial speech on the campuses of West Virginia University Parkersburg. Commercial speech is regulated by the campus solicitation policies.
- 1.2 Authority – West Virginia Code [§18B-2A-4](#) and [§18B-20-1, et seq](#)
- 1.3 Effective Date – March 18, 2025
(Replaces version dated November 8, 2002)

Section 2. Introduction

- 2.1 West Virginia University Parkersburg Board of Governors recognizes the right of individuals to pursue their constitutional right of free speech and assembly, and welcomes open dialogue as an opportunity to expand the educational opportunities of our campus communities.
- 2.2 First Amendment rights must always be applied in light of the special characteristics of the higher education institutional environment. As in the case of other public facilities, a higher education institution may place reasonable restrictions on speech and assemblies to protect safety and property, maintain normal operations, facilitate campus traffic, and the like. In order to protect the rights of participants and non-participants alike, as well as the core functions of the institution, reasonable restrictions on time, place, and manner of speech are appropriate and necessary.

Section 3. Freedom of Expression

- 3.1 Freedom of expression, including speech and any other activity not inconsistent with this policy, is a campus right and subject only to the reasonable time, place and manner restrictions stated in Section 5. The following is a non-exclusive list of Freedom of Expression activities.
- 3.2 Symbolic speech, including, among other things, silent protest, wearing expressive clothing, gesturing or standing may be conducted anywhere.
- 3.3 Written or printed materials may be distributed on the grounds outside of campus buildings. Only students, faculty, staff and campus recognized organizations and departments may distribute written or printed materials inside campus buildings, and such groups and individuals must follow campus procedures in doing so.
- 3.4 Assemblies of persons may occur on any grounds on the campus outside of buildings. Outdoor assembly areas are defined as places designated by the administration of the college for their size, location and accommodation features to be suitable for public gatherings. Outdoor assembly areas may be reserved in advance. Students, faculty, staff and campus recognized organizations and departments that wish to

assemble inside campus buildings must obtain a reservation in accordance with campus facility reservation procedures.

- 3.5 The outdoor assembly areas are open to the public for use between 7:30 a.m. and 10:00 p.m. Advance reservation (at least two business days before contemplated use) is required for all individuals or groups.

Section 4. Reservations

- 4.1 The College shall institute a reservation along with a list of the outdoor assembly areas and a provision allowing outdoor assembly areas to be reserved in advance for specific times and dates, with applications processed in the order in which they are received.

Section 5. Content-Neutral Time, Place and Manner Restrictions

- 5.1 All College policies, local ordinances, state and federal laws must be followed.
- 5.2 In order to maintain order and public safety on campus, no person may:
- 5.2.1 Attempt to or actually interfere with, impair or impede the institution's regularly scheduled classes, events, ceremonies or normal and essential operations;
 - 5.2.2 Interfere with, impede or cause blockage of the flow of vehicular or pedestrian traffic;
 - 5.2.3 Interfere with, impede or cause blockage of ingress or egress to or from any building;
 - 5.2.4 Willfully, negligently or recklessly commit any act likely to create an imminent health or safety hazard;
 - 5.2.5 Interfere with a college event by blocking audience view, make sufficient noise to hamper a speaker or performance from being heard or perform any other act disruptive to the event;
 - 5.2.6 Leave an area littered;
 - 5.2.7 Use voice or amplification systems resulting in noise levels that interfere with regularly scheduled classes, campus events or operations; or
 - 5.2.8 Willfully, negligently or recklessly engage in destruction of property or physical harm to others.
- 5.3 The College reserves the right to deny, cancel or postpone a reservation, or immediately terminate any ongoing activity that violates the time, place and manner restrictions listed herein.
- 5.4 Anyone who violates this policy may face civil and/or criminal sanctions for violations of State, local or federal law in addition to any College-imposed discipline as provided in the applicable code of conduct.
- 5.5 Students and student organizations may be sanctioned in accordance with institutional policies covering violations.

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Approval of FY 2025-2026 Tuition Rate

RECOMMENDED RESOLUTION: *Resolved*, that the West Virginia University at Parkersburg Board of Governors recognizes the significant financial impact of higher education on our students. Therefore, we believe it is in the best interest of our students to hold tuition rates for the 2025-2026 academic year level with those approved in the prior academic year. We approve the submission of the following rates to the West Virginia Community & Technical College System for the 2025-2026 academic year.

STAFF MEMBER: Bradley Wilson, Chief Financial Officer

BACKGROUND:

In-State Rates	Associate Level	Baccalaureate Level
FY 24-25 Rate Per Hour	\$ 188.00	\$ 260.00
Percentage Increase	0.00%	0.00%
Increase Per Hour	\$ 0.00	\$ 0.00
FY 25-26 Rate Per Hour	\$ 188.00	\$ 260.00
Tuition Per Semester	\$ 2,256.00	\$ 3,120.00
Add Mandatory Fees (no change)	\$ 50.00	\$ 50.00
Total per semester FY 26	\$ 2,306.00	\$ 3,170.00
Total annual tuition FY 26	\$ 4,612.00	\$ 6,340.00

Out-of-State Rates	Associate Level	Baccalaureate Level
FY 24-25 Rate Per Hour	\$ 376.00	\$ 401.00
Percentage Increase	0.00%	0.00%
Increase Per Hour	\$ 0.00	\$ 0.00
FY 25-26 Rate Per Hour	\$ 376.00	\$ 401.00
Tuition Per Semester	\$ 4,512.00	\$ 4,812.00
Add Mandatory Fees (no change)	\$ 50.00	\$ 50.00
Total per semester FY 26	\$ 4,562.00	\$ 4,862.00
Total annual tuition FY 26	\$ 9,124.00	\$ 9,724.00

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Approval of FY 2025-2026 Fees

RECOMMENDED RESOLUTION: *Resolved*, that the West Virginia University at Parkersburg Board of Governors approve the fees recommended for the 2025-2026 academic year.

STAFF MEMBER: Bradley Wilson, Chief Financial Officer

BACKGROUND:

The administration of West Virginia University at Parkersburg recommends the approval of the attached fee schedule for the FY 2025-2026 academic year. New fees requested for FY 2026 are as follows:

- Livestock Fee - \$125.00 per course - Fee to cover the costs of procuring and maintaining livestock for Introduction to Livestock Production course (AGRI 150).
- Radiology Technician Fee - \$100.00 per course – Fee to cover the costs of equipment, maintenance, and consumables necessary for operation of the program (all RT courses).

Below is a summary of requests for changes to existing fees:

- Drug Testing Fee - \$45.00 per course - Current existing fee added to Radiology Technician courses (RT 101, 121, 131, 201, 221) to cover costs of mandatory testing.
- Education Field Placement Fee - \$25.00 per credit hour - Removed from the following courses due to curriculum changes in course numbering: EDUC 401, 402, 403, 404, 405, 406, 407, 408, 409, SPED 310. Fee added to EDUC 414 & 415.
- Capstone Course Assessment Fee - \$0.00 per course – Removal of the fee from the following courses due to other assessment methods being utilized: ATPT 260, CMS 440, DAGR 280, ELEC 260, ELEC 224, IM 260, MTEC 280, PSYCH 460 & WELD 260.
- PSB-ST Exam Fee - \$0.00 per exam – Removal of the fee as it is no longer utilized. Students now take the HESI A2 exam, which is already covered by another existing fee.

Except for the items listed above, all other fee levels remained the same as the prior year. The complete list of fees is included in the following attachment.

West Virginia University at Parkersburg
Fee Schedule
2025-2026

AGRI	Agri-Business Course Fee (per credit hour) All AGRI courses	50.00
AGRL	Livestock Fee (per credit hour) AGRI 150	125.00
AMUS	Applied Music Fee (per course) (MUSI 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 182, 183, 184, 185, 186, 187, 188, 189, 190)	350.00
ARTF	Art Fee (per course) (ART 109, 111, 112, 213, 214, 251, 343, 351)	50.00
ARTF	Art Fee (per course) (ART 230, 231, 397)	75.00
ARTF	Art Fee (per course) (ART 240, 241, 242, 243, 244, 245, 340)	200.00
PORT	BOG/RBA Portfolio Evaluation Fee	300.00
POST	BOG/RBA & Prior Learning Assessment Posting Fee (per course)	50.00
GBUS	Business Program Fee (per course) (GBUS 101)	20.00
CAP2	CAPOT Examination Fee (per course) (ATPT 260)	85.00
CAPS	Capstone Course Assessment Fee (per course) (ATPT 260, CIT 460, CMS 440, CS 460, DAGR 280, ELEC 260, ELEC 224, IM 260, MTEC 280, PSYCH 460 & WELD 260)	35.00
CAPB	Capstone Course Assessment Fee - Business (per course) (GBUS 240, 295, 440)	35.00
CAPD	Capstone Course Assessment Fee - CDEV (per course) (CDEV 405)	35.00
CITC	Capstone Course Assessment Fee - CIT (per course) (CIT 260)	200.00
CAPC	Capstone Course Assessment Fee - CJ (per course) (CJ 291, 292, 460)	35.00
CSCF	Capstone Course Assessment Fee - Computer Science (per course) (CS 260, 460)	125.00
DRCF	Capstone Course Assessment Fee - Drafting (per course) (DRAF 260)	85.00
CIT	CIT Fee (per credit hour)	25.00
CJBC	CJ Background Check Fee	36.00
CJLF	CJ Lab Fee (per credit hour) (CJ 150, 321, 330, 331, 341, 355, 375, 380, 388, 410)	30.00
	College-Level Examination (CLEP) (per examination) (Plus \$80 directly to CLEP)	25.00
COMM	Communication Studies Mass Media Database Fee (per course) (COMM 111, 112, 281, 282, 283, 303, 304, 306, 308, 316, and 404)	30.00
COSF	Co-Op Education Assessment Fee (per credit hour)	25.00
NCLF	Co-Requisite Lab Fee (per hour) (MATH 120E, 125E, 126E)	152.00
COSM	Cosmetology Course Fee (per course) All COSM courses	125.00
COSP	Cosmetology Program Kit Fee (per course) (COSM 101, 201, 202, 204)	500.00
CREX	Credit by Examination Fee (each examination)	25.00
	Diploma/Certificate Replacement Fee	25.00
DRAF	Drafting 3D and Large-Scale Printing Fee (per course) (DRAF 112, 116)	35.00
DTF	Drug Testing Fee (NURS 134, 144, 174, 234, 235, 244, 260, ST 100, 110, 211, 212, PTEC 101, PCT 101) Add to fee schedule: RT 101, 121, 131, 201, 221	45.00
CDEV	Early Childhood Development Program Fee (per course) (CDEV 105, 307)	21.00
EDUC	Education Database Fee (per course) (EDUC 100)	135.00
FIPL	Education Field Placement Fee (per credit hour) (EDUC 100, 200, 300, 301, 303, 304, 308, 310, 330, 350, 351, 401, 402, 403, 404, 405, 406, 407, 408, 409 , 387, 388, 389, 390, 412, SPED 210, 310 , 312, 422) Add EDUC 414, 415	25.00
EDUT	Education Test (PREPAC) Fee (per course) (CDEV 251)	20.00
ENGL	English Laboratory Fee (per course) (ENGL 101L, 102L, 107L)	35.00
HSBC	Health Sciences Background Check Fee (per course) (NURS 134, 173, 311, ST 100, PCT 101)	50.00
NURT	HESI Exam Fee	50.00

HPER	HPER - CPR Certification Fee (per course)	15.00
West Virginia University at Parkersburg		
Fee Schedule		
2025-2026		
LREG	Late Registration Fee	25.00
LTPF	Late Tuition Payment Fee (per each payment deadline)	25.00
LSCF	Legal Studies Course Fee (per course) (LS 210, LS 220)	30.00
MATH	Mathematics Laboratory Fee (per course) (MATH 120E, 125E)	35.00
MDSP	MDS Senior Project Fee (per course) (MDS 491, 492)	450.00
MUSA	Music Advanced Course Fee (per course) (MUSI 390)	450.00
NURF	Nursing Fee (NURS 134, 144, 174, 234, 235, 244, 260)	200.00
NURL	Nursing Lab Fee (NURS 134, 144, 174, 234, 235, 244, 260)	250.00
NURS	Nursing Testing Fee (NURS 134, 144, 174, 234, 235, 244, 260)	240.00
LKIT	Online Biology Lab Kit Fee	150.00
GKIT	Online Geology Lab Kit Fee (per course) (PSCI 112)	100.00
PSFE	Parking & Safety Fee (per semester) (excludes online programs & Early College)	25.00
	Parking Permit Replacement	5.00
PCLF	Patient Care Tech Lab Fee (per course) (PCT 101, PCT 102)	70.00
PCTF	Patient Care Tech Testing Fee (per course) PCT 101	450.00
PCTF	Patient Care Tech Testing Fee (per course) PCT 102	389.00
PTEC	Pharmacy Tech Lab Fee (per course) (PTEC 101)	50.00
PTCF	Pharmacy Tech Testing Fee (per course) (PTEC 101)	30.00
PTCF	Pharmacy Tech Testing Fee (per course) (PTEC 121)	200.00
PLTF	Placement Testing Fee	10.00
EVAL	Prior Learning Assessment Evaluation	100.00
	Proctor Exam Fee	25.00
	PSB-ST Exam Fee	20.00
RADT	Radiology Technician Fee (per course) (All RT courses)	100.00
	Returned Check Service Fee	25.00
LABF	Science Lab Fee (per course)	50.00
SACT	Student Activity Fee (per semester) (excludes online programs & Early College)	25.00
	Student ID Card Replacement	10.00
STLF	Surgical Technology Lab Fee (per course) (ST 100, ST 110)	255.00
STSM	Surgical Technology Student Membership Fee (per course) (ST 100)	80.00
SURG	Surgical Technology Testing Fee (per course) (ST 100, 211)	115.00
SURG	Surgical Technology Testing Fee (per course) (ST 110)	280.00
SURG	Surgical Technology Testing Fee (per course) (ST 212)	50.00
TECH	Technical Program Fee (per course) (All ATPT, CMAT, ELEC, IDIT, IM, INDT, IST, MTEC courses)	150.00
TECF	Technology Fee (per credit hour)(excludes Early College & technical course)	25.00
	Transcript Fee (all requests)	10.00
WELD	Welding Course Fee (per course) (All WELD courses)	225.00

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Approval of one new program:
Certificate of Applied Science in Advanced
Manufacturing Technology

RECOMMENDED RESOLUTION: *Resolved*, That the WVU Parkersburg Board of
Governors approves the following programs:
Certificate of Applied Science in Advanced
Manufacturing Technology

STAFF MEMBER: Dr. David Lancaster, Executive Vice President
for Academic Affairs

BACKGROUND:

The Advanced Manufacturing Technology, CAS is needed to serve Jackson County students and Wood County students in early college to graduate with a certificate upon high school graduation. This program leads to the Advanced Manufacturing Technology, Associate of Applied Science degree. The plan is to encourage these students to continue after graduation for their second year into our Advanced Manufacturing Technology, AAS degree so that they will be ready to go to work for companies such as Timet, Nucor, Constellium, etc.

The attached program of study has been approved by the College-wide Curriculum Committee, the Executive Vice President for Academic Affairs, and the President.

ACADEMIC MAP

ADVANCED MANUFACTURING TECHNOLOGY CAS
High School



Semester 1		
COURSE	CR	COMMENTS
COLL 101 Orientation to College	0	Graduation Requirement
ELEC 110 Intro to Electrical Technology	3	
ELEC 111 Intro to Instrumentation & Process Controls	3	
Math 103 Industrial Math	3	
TOTAL	9	
Semester 2		
COURSE	CR	COMMENTS
ENGL 107 Technical Writing	3	
ENGL 107L Technical Writing Lab	1	
IM 126 Intro to Maintenance Mechanics	3	
IM 127 Intermediate Maintenance Mechanics	3	
TOTAL	10	
Semester 3		
COURSE	CR	COMMENTS
ELEC 112 Apps & Electrical Symbols	3	
ELEC 113 Intermediate Instrumentation & Controls	3	
TOTAL	6	
Semester 4		
COURSE	CR	COMMENTS
MTEC 102 Intro to Craft Skills	2	
IM 128 Quality Practices for Maintenance Mechanics	3	
TOTAL	5	



The **Certificate of Applied Science in Advanced Manufacturing Technology** prepares graduates for careers in

the manufacturing sector. Advanced manufacturing technology graduates repair, troubleshoot and maintain a variety of manufacturing equipment including commercial electrical and mechanical systems. Hands-on courses give our graduates practical experience in automation, instrumentation and process control systems, as well as basic machining skills in order to facilitate working with modern equipment.



MILESTONE COURSE

These courses are the keys to graduation. Courses should be taken in the recommended semesters to stay on time for completion.



CAPSTONE COURSE

This semester-long project course taken the semester of graduation

CAREER PLANNING



Multi-craft Technicians, Electrical and Instrumentation Technician, Pipefitter, Millwright, Industrial Maintenance Technician. Average wage: \$15.74 - \$26.15/hour.

TOTAL DEGREE CREDITS

30

2025-2026

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Five-Year Program Reviews 2024-2025

RECOMMENDED RESOLUTION: Resolved, that the WVU Parkersburg Board of Governors approves the recommendations of the Outcomes Assessment Committee regarding program reviews for 2024-2025

STAFF MEMBER: Dr. David Lancaster
Executive Vice President for Academic Affairs

BACKGROUND:

As a requirement of Title 135, Series 10 of the West Virginia Council for Community and Technical College Education, Policy Regarding Program Review, the Outcomes Assessment Committee, as a standing committee for West Virginia University at Parkersburg has conducted an internal review of 5 programs based on strict criteria. The possible recommendations fall into six categories for the programs under review:

1. Continuation of the program without specific action;
2. Continuation of the program with specific action;
3. Continuation of the program at a reduced level;
4. Identification of the program for future development;
5. Development of a cooperative program with another institution; or
6. Discontinuation of the program.

The recommendations are as follows:

CONTINUATION WITHOUT SPECIFIC ACTION:

Business Administration - Associate of Applied Science should be continued at the current level of activity with no specific action. The next five-year review is due in 2029-2030

Business Administration - Certificate of Applied Science should be continued at the current level of activity with no specific action. The next five-year review is due in 2029-2030

Computer Science - Associate of Applied Science should be continued at the current level of activity with no specific action. The next five-year review is due in 2029-2030

Electricity and Instrumentation - Certificate of Applied Science should be continued at the current level of activity with no specific action. The next five-year review is due in 2029-2030

General Education - Associate of Art should be continued at the current level of activity with no specific action. The next five-year review is due in 2029-2030

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Approval of updated Board of Governors Policies to reflect a review of the Equal Opportunity policy

RECOMMENDED RESOLUTION: *Resolved*, that the West Virginia University at Parkersburg Board of Governors approves an update to the Board of Governors policy A-34 “Equal Opportunity, Affirmative Action and Nondiscrimination” to be reflective of updates in any federal and state mandates

STAFF MEMBER: Dr. Torie Jackson, President

BACKGROUND:

The current Board of Governors policy A-34, Equal Opportunity, Affirmative Action and Nondiscrimination, is designed to allow the college to create equal opportunity and nondiscrimination with respect to employment, admission and the administration of all educational programs and activities.

In October 2023, we updated this policy to remove affirmative action language for admissions to comply with recent a U.S. Supreme Court ruling.

We are seeking an update now to remove the words “gender identity” and “sexual orientation” from the list of equal employment opportunity adjectives as recommended by the WV Council for Community & Technical College System advisors. We will also remove the language of “affirmative action” and will focus on “equal opportunity.”

A notice of proposed rulemaking will be issued proposing the revision of this policy in regards to “Equal Opportunity, Nondiscrimination.” If no substantial comments are received during the 30-day comment period, these policy proposals will be considered approved following the comment period without further action by the Board of Governors. Upon approval by the Board of Governors, these policy proposals will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

West Virginia University Parkersburg Board of Governors

POLICY A-34

EQUAL OPPORTUNITY, ~~AFFIRMATIVE ACTION~~ AND NONDISCRIMINATION

Section 1: General

- 1.1 This rule sets forth the West Virginia University Parkersburg Board of Governors' policy on equal opportunity and nondiscrimination with respect to employment, admission and the administration of all educational programs and activities.
- 1.2 Authority. – W.Va. Code §§ [18B-1-6](#) and [18B-2A-4](#); [W.Va. C.S.R. § 135-40](#)
- 1.3 Effective Date. – ~~November 17, 2023~~[March 18, 2025](#)
(~~Updates version dated July 28, 2020; previous versions dated November 10, 2016, October 21, 2015.~~)
(~~Replaces version dated November 17, 2023~~)

Section 2: Equal Employment Opportunity ~~and Affirmative Action~~

- 2.1 The West Virginia University Parkersburg Board of Governors is committed to the full realization of equal employment opportunity in its employment practices. West Virginia University Parkersburg will:
 - 2.1.1. Recruit, hire, train, promote, retain, tenure, and compensate persons in all applicable faculty, staff, and student job titles without regard to age, disability, national origin, color, ancestry, race, religion, sex, ~~gender identity~~, pregnancy, ~~sexual orientation~~, veteran status, or genetic information unless otherwise prohibited by applicable law.
 - 2.1.2. Base decisions of employment to further the principles of ~~affirmative action and~~ equal employment opportunity;
 - 2.1.3. Ensure that promotion, reappointment and tenure decisions are in accordance with the principles of ~~affirmative action and~~ equal employment opportunity by imposing only valid requirements for promotional, reappointment and tenure opportunities;
 - 2.1.4. Ensure that all personnel actions including compensation, benefits, lay off, return from lay off, training, education/tuition assistance, social and recreational programs will be administered without regard to age, disability, national origin, color, ancestry, race, religion, sex, ~~gender identity~~, pregnancy, ~~sexual orientation~~, veteran status, or genetic information unless otherwise prohibited by applicable law.

Section 3: Equal Opportunity in Educational Programs and Activities

- 3.1 The WVU Parkersburg Board of Governors is committed to providing equal opportunity in the delivery of its educational programs and activities. WVU Parkersburg will:

3.1.2. Recruit, admit, assist, advise, test, place, enroll, teach, assess grades and award degrees to all students without regard to age, disability, national origin, color, ancestry, race, religion, sex, ~~gender identity~~, pregnancy, ~~sexual orientation~~, or veteran status, unless otherwise prohibited by applicable law.

3.1.3. Ensure that all extra-curricular and recreational programs will be administered without regard to age, disability, national origin, color, ancestry, race, religion, sex, ~~gender identity~~, pregnancy, ~~sexual orientation~~, or veteran status, unless otherwise prohibited by applicable law.

Section 4. Retaliation

4.1 The WVU at Parkersburg Board of Governors prohibits retaliation against any faculty, staff, student or applicant for making a complaint or assisting in an investigation of discrimination.

Section 5. Compliance

5.1 WVU Parkersburg shall designate the person(s) responsible for handling inquiries and complaints regarding equal opportunity, ~~affirmative action~~ in employment, and discrimination. The institution shall identify by name and/or title, address, and telephone number the person(s) responsible for coordinating the institution's compliance efforts in a notice of nondiscrimination that shall be published in any bulletins, announcements, publications, catalogs, application forms, or other recruitment materials that are made available to participants, students, applicants, employees, or the general public as required by the U.S. Department of Education's Office of Civil Rights.

5.2 WVU Parkersburg shall establish and publish procedures to be followed by students, applicants and employees for reporting or alleging violations of this policy.

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Approval of updated Board of Governors Policies to reflect a review of the Harassment and Discrimination policy

RECOMMENDED RESOLUTION: *Resolved*, that the West Virginia University at Parkersburg Board of Governors approves an update to the Board of Governors policy A-44 “Policy Regarding Harassment and Discrimination” to be reflective of updates in any federal and state mandates

STAFF MEMBER: Dr. Torie Jackson, President

BACKGROUND:

The current Board of Governors policy A-44, Policy and Procedures Regarding Harassment and Discrimination, is designed to provide a workplace and educational environment free from discrimination, harassment, and retaliation.

In August 2023, we updated this policy to be in compliance with findings from a civil rights audit for the institution. It was updated to include a nondiscrimination notice; updating Title IX/Title VI/Section 504 coordinator information. Policy A-44, Policy and Procedures Regarding Harassment and Discrimination, Appendix 2, is updated to include a nondiscrimination notice; updating Title IX/Title VI/Section 504 coordinator information.

We are seeking an update now to remove procedural aspects of policy, which will result in the title change of removing the words “and Procedures.” Much of the language of this policy is based on current federal and state guidelines in reference to harassment and discrimination and do not need to be restated in our policy as long as it references relevant State and Federal civil rights laws and regulations, which it does. The changes to this policy are recommended by the WV Council for Community & Technical College System advisors.

A notice of proposed rulemaking will be issued proposing the revision of this policy in regards to “Harassment and Discrimination.” If no substantial comments are received during the 30-day comment period, these policy proposals will be considered approved following the comment period without further action by the Board of Governors. Upon approval by the Board of Governors, these policy proposals will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

POLICY A-44
POLICY AND PROCEDURES REGARDING
HARASSMENT AND DISCRIMINATION

Section 1. General

1.1. Purpose and Relevant Scope:

~~1.1.1. The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in educational or employment activities. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When a person reports an alleged violation of this anti-discrimination policy, the allegations are subject to resolution using West Virginia University Parkersburg's "Process A" or "Process B," as determined by the Title VI/Title IX/Section 504 Coordinator, and as detailed below.~~

~~1.1.2. When the Respondent is a member of the West Virginia University Parkersburg community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of West Virginia University Parkersburg community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, and volunteers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.~~

~~1.2. **Rationale:** West Virginia University Parkersburg is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and State civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, West Virginia University Parkersburg has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. West Virginia University Parkersburg values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process.~~

~~1.3. **Authority:** [W. Va. Code § 18B-1-6](#); [135 C.S.R. 40](#); [34 CFR 106](#) and other relevant State and federal civil rights laws and regulations.~~

~~1.4. **Effective Date:** ~~September 19, 2023~~ March 18, 2025
(Replaces version dated ~~September 29, 2020~~ September 19, 2023)~~

~~1.5. **Policy History:** This policy and attached procedures replace Policy A-44, "Sexual Misconduct and Other Forms of Discrimination and Harassment," dated June 5, 2014. The prior version of Policy A-44, "Sexual Harassment," dated June 2, 2006, was transferred from WVU Board of Governors on July 1, 2008. Prior to this version, the last update was September 29, 2020.~~

Section 2. Definitions

- 2.1. **Advisor** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- 2.2. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class or retaliation for engaging in a protected activity.
- 2.3. **Complaint (formal)** means a document submitted or signed by a Complainant or signed by the [Title VI/Title IX/Section 504](#) Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that West Virginia University Parkersburg investigate the allegation.
- 2.4. **Confidential Resource** means an employee who is not a Mandated Reporter of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- 2.5. **Day** means a business day when West Virginia University Parkersburg is in normal operation.
- ~~2.6. **Directly Related Evidence** means evidence connected to the complaint, but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.~~
- 2.7. **Education program or activity** means locations, events, or circumstances where West Virginia University Parkersburg exercises substantial control over both the Respondent and the context in which the [sexual](#) harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by West Virginia University Parkersburg.
- 2.8. **Final Determination** means a conclusion by the preponderance of the evidence standard of proof (more likely than not) that the alleged conduct did or did not violate policy.
- 2.9. **Finding** means a conclusion by the preponderance of the evidence standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).
- 2.10. **Formal Grievance Process** means a method of formal resolution designated by West Virginia University Parkersburg to address conduct prohibited by this policy and which complies with the requirements of the Title VI/Title IX/Section 504 regulations (34 CFR §106.45). This process is known as “Process A” and is more fully described in Appendix [12](#) to this policy.
- 2.11. **Grievance Process Pool** includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- 2.12. **Hearing Decision-maker or Panel** refers to those who have decision-making and sanctioning authority within West Virginia University Parkersburg’s Formal Grievance process.
- 2.13. **Investigator** means the person or persons charged by West Virginia University Parkersburg with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of [directly related](#) evidence.

- 2.14. **Mandated Reporter** means an employee of West Virginia University Parkersburg who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the designated official who serves as the institution's [Title VI/Title IX/Section 504](#) Coordinator.
- 2.15. **Notice** means that an employee, student, or third-party informs the [Title VI/Title IX/Section 504](#) Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- 2.16. **Official with Authority** (OWA) means an employee of West Virginia University Parkersburg explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of West Virginia University Parkersburg.
- 2.17. **Parties** include the Complainant(s) and Respondent(s), collectively.
- ~~2.18. **Process A** means the Formal Grievance Process detailed in [Appendix 1](#).~~
- ~~2.19. **Process B** means the administrative resolution procedures detailed in [Appendix 2](#) that apply only when Process A does not, as determined by the [Title VI/Title IX/Section 504](#) Coordinator.~~
- ~~2.20. **Protected Activity** means, in the context of this policy, actions taken by students, employees, or third parties to assert their rights for protection against harassment, discrimination, and/or retaliation pursuant to civil rights laws or rules applicable to West Virginia University Parkersburg.~~
- 2.21. **Recipient** means a postsecondary education program that is the recipient of federal funding.
- ~~2.22. **Relevant Evidence** is evidence that tends to prove or disprove an alleged fact in the complaint.~~
- 2.23. **Remedies** are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to West Virginia University Parkersburg's educational program(s).
- 2.24. **Respondent** means an individual who a Complainant, Mandated Reporter, or third party has reported to the College be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class or retaliation for engaging in a protected activity.
- 2.25. **Resolution** means the result of an informal or Formal Grievance Process.
- 2.26. **Retaliation** means any adverse action taken against a person because [he or she/they](#) complained about harassment or discrimination, supported a complainant alleging harassment or discrimination, or participated in the investigation of a claim of harassment or discrimination.
- 2.27. **Sanction** means a consequence imposed by West Virginia University Parkersburg on a Respondent who is found to have violated this policy.
- ~~2.28. **Sexual Act**, as specifically defined by federal regulations under forcible sexual offenses (see Section 16 of this policy) includes one or more of the following:~~
- ~~2.28.1. **Forcible Rape**: penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person without the consent of the Complainant.~~

~~2.28.2. **Forcible Sodomy:** oral or anal sexual intercourse with another person, forcibly and/or against that person's will (i.e., non-consensually) or not forcibly or against the person's will in instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.~~

~~2.28.3. **Sexual Assault with an Object:** the use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person forcibly and/or against that person's will (i.e., non-consensually) or not forcibly or against the person's will in instances in which the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.~~

~~2.28.4. **Forcible Fondling:** the touching of the private body parts (buttocks, groin, breasts) of another person for the purpose of sexual gratification forcibly and/or against that person's will (i.e., non-consensually) or not forcibly or against the person's will in instances in which the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.~~

2.29. **Sexual Harassment** means unwelcome, gender-based, verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational programs or activities. It can be based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation. Examples of sexual harassment include, but are not limited to, an attempt to coerce an unwilling person into a sexual relationship; repeatedly subjecting a person to egregious, unwelcome sexual attention; punishing a refusal to comply with a sexual based request; conditioning a benefit on submitting to sexual advances; sexual violence; intimate partner violence; stalking; or gender-based bullying. See Subsection 16.4 for greater detail. Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.

2.30. **Student** means any individual who is registered or enrolled for credit or non-credit bearing coursework on a full- or part-time basis at West Virginia University Parkersburg.

2.31. **Title VI/Title IX/Section 504 Coordinator or Coordinator** is the official designated by West Virginia University Parkersburg to ensure compliance with Title VI/Title IX/Section 504 and West Virginia University Parkersburg's Title VI/Title IX/Section 504 program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

2.32. **Title VI/Title IX/Section 504 Team** refers to the ~~Title VI/Title IX/Section 504~~ Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

Section 3. Title VI/Title IX/Section 504 Coordinator

3.1. The Chief Human Resources Officer reports directly to the President and serves as the ~~Title VI/Title IX/Section 504~~ Coordinator and ADA/504 Coordinator. The Chief Human Resources Officer oversees implementation of West Virginia University Parkersburg's nondiscrimination and equal opportunity program, disability compliance, and West Virginia University Parkersburg's policy regarding harassment and discrimination. Pursuant to Title VI/Title IX/Section 504 regulations, the ~~Title VI/Title IX/Section 504~~ Coordinator has the primary responsibility for coordinating West Virginia University Parkersburg's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

Section 4. Independence and Conflict-of-Interest

- 4.1. Pursuant to Title VI/Title IX/Section 504 regulations, the ~~Title VI/Title IX/Section 504~~ Coordinator acts with independence and authority free from bias and conflicts of interest. The ~~Title VI/Title IX/Section 504~~ Coordinator oversees all resolutions under this policy and these procedures. The College vets and trains all members of the Title VI/Title IX/Section 504 Team to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents generally.
- 4.2. The parties or any interested person shall direct to the Deputy ~~Title VI/Title IX/Section 504~~ Coordinator any concern involving bias or conflict of interest or reports of misconduct or discrimination by the ~~Title VI/Title IX/Section 504~~ Coordinator. The parties or any interested person shall direct concerns about bias or a potential conflict of interest or reports of misconduct or discrimination by any other Title VI/Title IX/Section 504 Team member to the ~~Title VI/Title IX/Section 504~~ Coordinator.

Section 5. Administrative Contact Information

- 5.1. Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Title VI/Title IX/Section 504 Coordinator
Executive Director of Human Resources & Compliance
Room 1017
300 Campus Drive
Parkersburg, WV 26104
(304) 424-8290
Email: hr@wvup.edu
Web: www.wvup.edu/harassment-and-discrimination/

Deputy ~~Title VI/Title IX/Section 504~~ Coordinator
Executive Director of Student Support Services
Room 1019A
300 Campus Drive
Parkersburg, WV 26104
(304) 424-8388
Email: student.services@wvup.edu

Deputy Title VI/Title IX/Section 504 Coordinator
Vice President of Academic Affairs
Room 1211
300 Campus Drive
Parkersburg, WV 26104
(304) 424-8242
Email: provost@wvup.edu

- 5.2. The following administrators are Officials with Authority at West Virginia University Parkersburg to address and correct harassment, discrimination, and/or retaliation. In addition to the Title VI/Title IX/Section 504 Team members

listed above, reports or allegations addressed to these Officials with Authority will put West Virginia University Parkersburg “on notice” to take appropriate action steps pursuant to this policy:

- President
- ~~Vice President, Academic Affairs~~
- Executive Vice President, ~~Finance and Administration~~
- Vice President, Institutional Advancement

5.3. All employees of West Virginia University Parkersburg are Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. (See [Policy B-62, Mandatory Reporters.](#))

5.4. Inquiries may be made externally to:

For Students:

U.S. Department of Education Office of Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
FAX: 215-656-8605
TDD: 877-521-2172
Email: OCR_Philadelphia@ed.gov
Website: www2.ed.gov/about/offices/list/ocr/index.html

For Employees:

The West Virginia Human Rights Commission
1321 Plaza East, Room 108A
Charleston, WV 25301
Telephone: 304-558-2616
Toll Free: 888-676-5546
Facsimile: 304-558-0085
Website: www.wvf.state.wv.us/wvhrc/

United States Equal Employment Opportunity Commission
801 Market Street, Suite 1300 Philadelphia, PA 19107-3127
Telephone: 866-408-8075
Fax: 215-440-2606 TTY: 800-669-6820
Website: www.eeoc.gov/

Section 6. Notice/Complaints of Discrimination, Harassment, and/or Retaliation

6.1. Complainants, Mandatory Reporters, and any other individual may provide notice or complaints of discrimination, harassment, and/or retaliation using any of the following options:

- 6.1.1. File a complaint with, or give verbal notice to, the ~~Title VI/Title IX/Section 504~~ Coordinator, a Deputy ~~Title VI/Title IX/Section 504~~ Coordinator, a Mandatory Reporter, or an Official with Authority. Such a report

may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address listed for the ~~Title VI/Title IX/Section 504~~ Coordinator or any other official listed.

6.1.2. Report online, using the reporting form posted at www.wvup.edu/harassment-and-discrimination/. The College will accept anonymous reports, which may give rise to a need to investigate.

6.2. Complainants, Mandatory Reporters, and any other individual may file a complaint with the ~~Title VI/Title IX/Section 504~~ Coordinator in person, by mail, or by electronic mail, by using the contact information in the section above or as described in section 6.1 above.

6.3. If anyone provides notice in a form other than the Reporting Form linked above in subsection 6.1.2, the ~~Title VI/Title IX/Section 504~~ Coordinator may contact the reporter to ensure that the Title VI/Title IX/Section 504 Team has sufficient information to initiate the response process.

Section 7. Supportive Measures

7.1. West Virginia University Parkersburg will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. The ultimate determination of what is reasonable is reserved for the institution, taking into consideration the party's wishes and the particular circumstances.

7.2. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to West Virginia University Parkersburg's education program(s) or activity(ies), including measures designed to protect the safety of all parties or the institution's educational environment, and/or to deter harassment, discrimination, and/or retaliation.

7.3. The ~~Title VI/Title IX/Section 504~~ Coordinator shall promptly make supportive measures available to the parties upon receiving notice or a complaint. The Coordinator shall also inform the Complainant, in writing, that he or she may file a formal complaint with West Virginia University Parkersburg either at that time or in the future, if he or she has not done so already. The ~~Title VI/Title IX/Section 504~~ Coordinator shall work with the Complainant to ensure that his or her wishes are taken into account with respect to the proffered supportive measures.

7.4. West Virginia University Parkersburg shall maintain the privacy and confidentiality of the supportive measures, as long as that privacy and confidentiality do not impair the institution's ability to provide the supportive measures. West Virginia University Parkersburg shall ensure as minimal an academic or workplace impact on the parties as possible and shall implement the supportive measures in a way that does not unreasonably burden the other party.

7.5. Supportive measures may include, but are not limited to:

7.5.1. Referral to counseling, medical, and/or other healthcare services;

7.5.2. Referral to the Employee Assistance Program;

7.5.3. Referral to community-based service providers;

7.5.4. Visa and immigration assistance;

7.5.5. Student financial aid counseling;

- 7.5.6. Education to the institutional community or community subgroup(s);
- 7.5.7. Altering work arrangements for employees or student-employees;
- 7.5.8. Safety planning;
- 7.5.9. Providing campus safety escorts;
- 7.5.10. Implementing contact limitations (no contact orders) between the parties;
- 7.5.11. Academic support, extensions of deadlines, or other course/program-related adjustments;
- 7.5.12. Timely warnings;
- 7.5.13. Class schedule modifications, withdrawals, or leaves of absence;
- 7.5.14. Increased security and monitoring of certain areas of the campus; and
- 7.5.15. Any other actions deemed appropriate by the ~~Title VI/Title IX/Section 504~~ Coordinator.

7.6. The Coordinator shall refer violations of no contact orders to appropriate student or employee conduct processes for enforcement.

Section 8. Emergency Removal

8.1. West Virginia University Parkersburg may act to remove a Respondent entirely or partially from an education program, workplace, or activity on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any other individual justifies removal. The Coordinator and the institution's Threat Assessment Team conduct this risk analysis using standard objective violence risk assessment procedures.

~~8.2. In all cases in which the institution imposes emergency removal, the Coordinator will give the Respondent notice of the action and the option to request to meet with the Title VI/Title IX/Section 504 Coordinator prior to the removal, or as soon thereafter as reasonably possible, to show cause why the College should not implement the removal or should otherwise modify the proposed sanction.~~

~~8.2.1. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine only the appropriateness of the proposed emergency removal. If the Respondent does not request this meeting in a defined timely manner, the institution shall consider any possible objections to the emergency removal waived.~~

~~8.2.2. The Coordinator may allow the Complainant and the Complainant's Advisor to participate in this meeting if the Title VI/Title IX/Section 504 Coordinator determines it is equitable to do so.~~

~~8.3.3. A Respondent may be accompanied by an Advisor of his or her choice when meeting with the Title VI/Title IX/Section 504 Coordinator for the show cause meeting. The Coordinator will give the Respondent access to a written summary of the basis for the proposed emergency removal prior to the meeting to allow for adequate preparation.~~

~~8.3.4. The Coordinator's decision regarding emergency removal is not appealable.~~

~~8.3. The Title VI/Title IX/Section 504 Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine its conditions and duration. Violation of an emergency removal under this policy is grounds for discipline, which may include expulsion or termination.~~

~~8.4. West Virginia University Parkersburg shall implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title VI/Title IX/Section 504 Coordinator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, or suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intramural sports.~~

~~8.5. At the discretion of the Title VI/Title IX/Section 504 Coordinator, the Complainant or the Respondent may pursue alternative coursework options to ensure as minimal an academic impact as possible on the parties.~~

~~8.6. Where the Respondent is an employee, any other existing provisions for interim action are applicable.~~

Section 9. Promptness

9.1. West Virginia University Parkersburg shall act promptly on all allegations once it receives notice or a formal complaint and shall act with diligence in its resolution of complaints to avoid all undue delays within its control.

~~9.2. The Title VI/Title IX/Section 504 Coordinator shall provide timely written notice to the parties of the timeframes involved in each step of the resolution process, as further outlined in Appendix 2 of this policy.~~

Section 10. Privacy

10.1. West Virginia University Parkersburg shall take all necessary steps to preserve the privacy of reports.⁴ West Virginia University Parkersburg shall not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of [sex discrimination](#)[sexual harassment](#); any Respondent; or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; to carry out the requirements of Title VI/Title IX/Section 504, including conducting any investigation, hearing, or grievance proceeding arising under these policies and procedures; or as otherwise required by State or federal law.

~~10.2. West Virginia University Parkersburg reserves the right to determine which West Virginia University Parkersburg officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).~~

⁴For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of WVU at Parkersburg employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in WVU at Parkersburg's FERPA procedures. The privacy of employee records will be protected in accordance with State law and Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. WVU at Parkersburg has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see Section 18.

~~10.3. The Coordinator shall inform officials who need to know about the complaint, including but not limited to: Title VI/Title IX/Section 504 Coordinator, Deputy Title VI/Title IX/Section 504 Coordinator(s), specific individuals in Academic or Student Affairs, Campus Police, and/or the Threat Assessment Team. The Coordinator also may share information, as necessary, with Investigators, Hearing Panel members/Decision makers, witnesses, and the parties. The Coordinator shall inform the smallest number of people who need to know the information to preserve the parties' rights and privacy.~~

Section 11. Jurisdiction of West Virginia University Parkersburg

- 11.1. This policy applies to the educational programs and activities of West Virginia University Parkersburg, to conduct that takes place on the campus or on property owned or controlled by West Virginia University Parkersburg, at college-sponsored events, or in buildings owned or controlled by any West Virginia University Parkersburg recognized student organizations. The Respondent must be a member of West Virginia University Parkersburg's community (for example, a student, employee or other person over whom the institution has jurisdiction to take disciplinary action) in order for its policies to apply.
- 11.2. This policy may also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to West Virginia University Parkersburg's educational programs or activities. West Virginia University Parkersburg may also extend jurisdiction to off campus and/or to online conduct when the [Title VI/Title IX/Section 504](#) Coordinator determines that the conduct affects a substantial West Virginia University Parkersburg interest.
- 11.3. Regardless of where the conduct occurred, West Virginia University Parkersburg shall address notices and complaints to determine whether the conduct occurred in the context of employment or educational programs or activities and/or has continuing effects on campus or in an [off-campus/off-campus](#) program or activity sponsored by the institution. A substantial West Virginia University Parkersburg interest includes:
 - 11.3.1. Any action that constitutes a criminal offense as defined by law, including, but not limited to, single or repeat violations of any local, State, or federal law;
 - 11.3.2. Any situation in which the Coordinator determines that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
 - 11.3.3. Any situation that significantly infringes upon the rights, property, or achievements of others or significantly breaches the peace and/or causes social disorder; and/or
 - 11.3.4. Any situation that is detrimental to the educational interests or mission of West Virginia University Parkersburg.
- 11.4. If the Respondent is unknown or is not a member of West Virginia University Parkersburg community, the [Title VI/Title IX/Section 504](#) Coordinator shall assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the Complainant would like to file a police report.
- 11.5. Even if the Respondent is not a member of West Virginia University Parkersburg's community, the Coordinator may offer supportive measures, remedies, and resources to the Complainant upon request.
- 11.6. West Virginia University Parkersburg may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from West Virginia University Parkersburg property and/or events.

- 11.7. All vendors and contractors serving West Virginia University Parkersburg are subject to these policies and procedures.
- 11.8. When the Respondent is enrolled in or employed by another institution, the [Title VI/Title IX/Section 504](#) Coordinator may assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to file a complaint with that institution and follow its policies and procedures.
- 11.9. The [Title VI/Title IX/Section 504](#) Coordinator may assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to West Virginia University Parkersburg where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization give recourse to the Complainant.

Section 12. Time Limits on Reporting

- 12.1. There is no time limitation on providing notice to or filing complaints with the [Title VI/Title IX/Section 504](#) Coordinator. However, if the Respondent is no longer subject to West Virginia University Parkersburg's jurisdiction and/or significant time has passed, the College's ability to investigate, respond, and/or provide remedies may be limited or impossible.
- ~~12.2. The Coordinator has the sole discretion to act on notice or complaints that may be significantly impacted by the passage of time or the rescission or revision of any applicable policy. In such instances, the Coordinator may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.~~
- ~~12.3. When a notice or complaint is after significant time has passed, West Virginia University Parkersburg shall apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice or complaint.~~

Section 13. Online Harassment and Misconduct

- ~~13.1. The policies of West Virginia University Parkersburg are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on West Virginia University Parkersburg's education programs and activities or use West Virginia University Parkersburg networks, technology, or equipment.~~
- 13.2. Although West Virginia University Parkersburg may not control websites, social media, and other venues in which people engage in harassing communications, when an affected person reports such communications to West Virginia University Parkersburg, it shall take appropriate steps to address and mitigate the effects.
- ~~13.3. Members of the community shall be good digital citizens and refrain from online misconduct, such as sharing illegal content online or via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the internet or other technology to harass or harm another member of West Virginia University Parkersburg community.~~
- ~~13.4. Online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of West Virginia University Parkersburg's control (e.g., not on West Virginia University Parkersburg networks, websites, or using West Virginia University Parkersburg email accounts) may be subject to this policy when such online conduct causes a substantial in-program disruption~~

~~or infringement on the rights of others. The College may offer supportive measures to a member of the campus community who has been or is being subject to online harassment or misconduct, regardless of whether such behavior is actionable by West Virginia University Parkersburg.~~

- 13.5. West Virginia University Parkersburg may take disciplinary action against employees for speech (whether oral, written, or online) or behavior that takes place outside work hours when such speech or behavior is made in an employee's official or work-related capacity or it undermines the institution's efforts to create an efficient, orderly, safe, healthy, and unbiased working environment.

Section 14. Policy on Nondiscrimination

- 14.1. West Virginia University Parkersburg adheres to all federal and State civil rights laws and regulations prohibiting discrimination in public institutions of higher education.
- 14.2. West Virginia University Parkersburg does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of age, disability, national origin, color, ancestry, race, religion, sex, ~~gender identity, pregnancy, pregnancy, sexual orientation~~, veteran status, genetic information, or any other protected category under applicable local, State, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission or West Virginia Human Rights Commission, or any other agency, entity, or judicial body that has jurisdiction over such matters.
- ~~14.3. This policy prohibits discrimination in both employment and access to educational opportunities. Therefore, any member of the West Virginia University Parkersburg community whose acts or failures to act deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any other member of the West Virginia University Parkersburg community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of this policy and subject to appropriate disciplinary action.~~
- ~~14.4. West Virginia University Parkersburg shall promptly address and remediate any such discrimination in accordance with the appropriate grievance process described below.~~
- 14.5. West Virginia University Parkersburg is an Equal Opportunity nondiscriminatory institution and will provide auxiliary aids and services upon request to individuals with disabilities.
- 14.6. West Virginia University Parkersburg shall ensure that an applicant's lack of English language skills will not be a barrier to admission to or employment with West Virginia University Parkersburg.

Section 15. Policy on Disability Discrimination and Accommodation

- 15.1. West Virginia University Parkersburg is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and State laws and regulations prohibiting discrimination against individuals with disabilities.
- 15.2. Under the ADA and its amendments, a "person with a disability" is a person who (a) has a physical or mental impairment that substantially limits a major life activity; or (b) has a history or record of such an impairment; or (c) is perceived by others as having such an impairment. Only a person with a disability is eligible for reasonable accommodation(s).

- 15.3. The ADA defines “substantial impairment” ~~is as~~ one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning, or working.
- 15.4. The Chief Human Resources Officer is West Virginia University Parkersburg’s ADA/504 Coordinator responsible for overseeing the institution’s compliance with laws pertaining to disability discrimination, responding to grievances, and conducting investigations of any allegation of noncompliance or discrimination based on disability.
- 15.5. West Virginia University Parkersburg will address grievances related to disability status and/or requests for reasonable accommodations ~~using the procedures below~~ in accordance with the ADA/Section 504 and other federal and state laws and regulations prohibiting discrimination against individuals with disabilities. For details relating to disability accommodations at West Virginia University Parkersburg, see Policy A-43, Disability Accommodations.

~~15.6. Students with Disabilities~~

- ~~15.6.1. West Virginia University Parkersburg shall provide qualified students with disabilities academic adjustments, auxiliary aids, and other reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of West Virginia University Parkersburg.~~
- ~~15.6.2. All accommodations are made on an individualized basis. To request reasonable accommodation(s), students shall contact the ADA Coordinator, who shall coordinate such accommodation(s) in accordance with West Virginia University Parkersburg’s applicable procedures.~~
- ~~15.6.3. West Virginia University Parkersburg shall provide academic adjustments or auxiliary aids to qualified students with disabilities when necessary to ensure that they have equal opportunity to complete academic requirements. The college’s programs and activities shall be accessible to all individuals, including both physical access and access to electronic media, such as software and web-based applications, in accordance with Section 508 of the Federal Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act (ADA); and the Americans with Disabilities Amendments Act of 2008 (ADAAA).~~

~~15.7. Employees with Disabilities~~

- ~~15.7.1. Pursuant to the ADA, West Virginia University Parkersburg shall provide reasonable accommodation(s) to all qualified applicants and employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive, would result in undue administrative or financial hardship to West Virginia University Parkersburg, or would fundamentally alter the College’s application processes, programs, or services and/or would change the essential functions of the job.~~
- ~~15.7.2. An applicant or employee with a disability is responsible for submitting a request for an accommodation and providing necessary documentation to the Chief Human Resources Officer, in accordance with Policy A-43, Disability Accommodations, and applicable institutional procedures.~~
- ~~15.7.3. The Chief Human Resources Officer shall work with the employee’s supervisor to identify which essential functions of the position are affected by the employee’s disability and what reasonable~~

~~accommodations could enable the employee to perform those duties in accordance with West Virginia University Parkersburg's applicable procedures.~~

16. Policy on Discriminatory Harassment

- 16.1. Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. West Virginia University Parkersburg's harassment policy does not inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom or free speech rights guaranteed by the First Amendment to the U.S. Constitution or Article 3 § 7 of the West Virginia Constitution.
- 16.2. The sections below describe the specific forms of harassment that are prohibited by this policy. All prohibitions encompass actual and/or attempted offenses.
- 16.3. Discriminatory Harassment
 - 16.3.1. Discriminatory harassment is a form of discrimination prohibited by this policy. Discriminatory harassment is defined as unwelcome, typically repeated, offensive conduct that is directed at an individual because of his or her actual or perceived membership in a legally protected class. Examples of discriminatory harassment include, but are not limited to, epithets, slurs, jokes, negative stereotyping, threats, intimidation, or other hostile acts that relate to a person's race, color, religion, gender, national origin, age, disability, or any other factor or characteristic that includes a person in a legally protected class.
 - 16.3.2. West Virginia University Parkersburg does not tolerate discriminatory harassment of any employee, student, visitor, or guest. West Virginia University Parkersburg will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment."
 - 16.3.3. A hostile work environment occurs when unwelcome conduct based on a person's inclusion in a protected class occurs that is severe or pervasive enough to create a work or learning environment that a reasonable person would consider intimidating, hostile, or abusive or when enduring such offensive conduct becomes a condition of continued employment or participation in an educational program or activity.² The conduct must be both severe or pervasive **and** objectively offensive.
 - 16.3.4. When discriminatory harassment rises to the level of creating a hostile environment, West Virginia University Parkersburg will impose sanctions on the Respondent through application of the appropriate grievance resolution process or any other applicable disciplinary process outlined in West Virginia University Parkersburg policies, procedures, or codes of conduct.
 - 16.3.5. West Virginia University Parkersburg will address offensive conduct and/or harassment that does not rise to the level of creating a hostile environment or that is of a generic nature and not based on a protected status by application of any other relevant West Virginia University Parkersburg policy, procedure, or code of conduct.

²~~<https://www.eeoc.gov/harassment>~~ <https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/sex-issue01.html>

³~~Implicitly or explicitly.~~

16.3.6. Employees shall report discriminatory harassment to the Chief Human Resources Officer, and students shall report such incidents to the Executive Director of Student Support Services.

16.4. Sexual Harassment

16.4.1. The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of West Virginia regard sexual harassment as an unlawful discriminatory practice.

16.4.2. ~~Any person may commit an act of sexual harassment upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. West Virginia University Parkersburg will address sexual harassment through application of the appropriate grievance resolution process, applicable disciplinary process, any other relevant West Virginia University Parkersburg policy, procedure, or code of conduct, or in accordance with law.~~

~~16.4.3. Sexual Harassment includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex or gender or that is sexual constitutes one or more of the following:~~

~~16.4.3.a. **Quid Pro Quo:** when an employee of West Virginia University Parkersburg conditions the provision of an aid, benefit, or service of West Virginia University Parkersburg on an individual's participation in unwelcome sexual conduct.~~

~~16.4.3.b. **Sexual Harassment:** unwelcome conduct as determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to West Virginia University Parkersburg's education programs or activities.³~~

~~16.4.3.c. **Sexual Assault:** includes any of the following:~~

~~16.4.4.c.1. **Sex Offenses, Forcible:** any sexual act directed against another person⁴ without the consent of that person, including instances in which the person is incapable of giving consent;~~

~~16.4.4.c.2. **Sex Offenses, Non-Forcible,** including~~

~~16.4.4.c.2.A. **Incest:** non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by West Virginia law; or~~

~~16.4.4.c.2.B. **Statutory Rape:** non-forcible sexual intercourse with a person who is less than 16 years of age, the statutory age for consent in West Virginia.~~

³Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

⁴This would include having another person touch you sexually, forcibly, or without their consent.

- ~~16.4.3.d. — **Dating Violence:** violence on the basis of sex committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The institution will determine the existence of such a relationship based on the Complainant's statement and considering the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence set forth below.~~
- ~~16.4.3.e. — **Domestic Violence:** violence on the basis of sex committed by a current or former spouse or intimate partner of the Complainant by (i) a person with whom the Complainant shares a child in common; or (ii) by a person with whom the Complainant is cohabitating or has cohabited as a spouse or intimate partner; or (iii) by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of West Virginia; or (iv) by any other person against an adult or minor Complainant who is protected from that person's acts under the domestic or family violence laws of West Virginia. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates; the people cohabiting must be current or former spouses or have or have had an intimate relationship.~~
- ~~16.4.3.f. — **Stalking:** engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. For the purposes of this definition, "course of conduct" means two or more acts including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property; "reasonable person" means a reasonable person under similar circumstances and with similar identities to the Complainant; "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.~~
- ~~16.5. — Force, Coercion, Consent,⁵ and Incapacitation. — As used in the offenses above, the following definitions and understandings apply:~~
- ~~16.5.1. — **Force** is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and/or coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want."). Sexual activity that is forced is, by definition, non-consensual, but all non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.~~

⁵The state definition of consent, which is applicable to criminal prosecutions for sex offenses in West Virginia, is found in [§61-8B-2](#) and may differ from the definition used on-campus to address policy violations.

- 16.5.2. ~~**Coercion** is the application of unreasonable pressure to take part in sexual activity. A person can exert unreasonable pressure through physical or emotional force, intimidation, misuse or abuse of authority, or overt or implied threats. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure or ignoring or dismissing any objections to such activity beyond that point can be coercive.~~
- 16.5.3. ~~**Consent** is knowing, voluntary, and clear permission by word or action to engage in sexual activity.~~
- 16.5.3.a. ~~Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.~~
- 16.5.3.b. ~~If a party does not clearly consent prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.~~
- 16.5.3.c. ~~For consent to be valid, there must be a clear expression in words or actions that the other individual assents to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.~~
- 16.5.3.d. ~~A party may withdraw consent once given, as long as the withdrawal is reasonably and clearly communicated. If a party withdraws consent, that sexual activity must cease.~~
- 16.5.3.e. ~~Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.~~
- 16.5.3.f. ~~Neither party is required to prove consent, non-consent, or withdrawal of consent during the College's investigation of an incident. Instead, the burden remains on West Virginia University Parkersburg to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and evidence of any similar, previous patterns of conduct.~~
- 16.5.4. ~~**Incapacitation:** A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including by alcohol or other drugs. The incapacity may be the result of a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. As stated above, a Respondent violates this policy if he or she engages in sexual activity with someone who is incapable of giving consent.~~
- 16.5.4.a. ~~It is a defense to an allegation of sexual assault as a violation of this policy that the Respondent neither knew nor should have known the Complainant was physically or mentally incapacitated. "Should have known" is an objective, reasonable person~~

~~standard that means a person of reasonable prudence and competence would ascertain the physical or mental capacity of the other person.~~

~~16.5.4.b. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the who, what, when, where, why, or how of their sexual interaction).~~

~~16.5.4.c. Incapacitation is determined by the college through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.~~

~~16.6. Requirements Regarding Consensual Relationships~~

~~16.6.1. Even if both parties consent or initially consented to romantic or sexual involvement, subsequent behavior by one or both of the parties may constitute a violation of this policy. Relationships in which power differentials are inherent (e.g., faculty-student, staff-student, supervisor-employee) may violate this policy and may also violate standards of professionalism and/or professional ethics.~~

~~16.6.3. A person with direct supervisory or otherwise evaluative responsibilities who is or becomes involved in a consensual romantic or sexual relationship with a person he or she supervises or over whom he or she exercises an evaluative role shall immediately bring the relationship to the attention of his or her supervisor and/or the Title VI/Title IX/Section 504 Coordinator. The existence of the relationship will likely result in removing the supervisory or evaluative responsibilities from the employee or shifting a party from being supervised or evaluated by someone with whom they have established a consensual relationship. When such a relationship existed prior to adoption of this policy, the parties are still required to notify the appropriate supervisor and/or the Title VI/Title IX/Section 504 Coordinator.~~

~~16.6.4. Failure to timely self-report relationships as required in subdivision 16.3.3 may result in disciplinary action against an employee. The Title VI/Title IX/Section 504 Coordinator determines whether to refer violations of this provision to Human Resources for resolution or to pursue resolution under this policy based on the circumstances of the allegation.~~

~~16.6.5. Violation of the requirements of this Subsection 16.6 is an employee relations matter the parties shall address in consultation with the Human Resources Department, unless the relationship or behavior within the relationship meets this policy's definition of harassment or discrimination, in which case the Chief Human Resources Officer or his or her designee shall refer the matter to the Coordinator for resolution in accordance with this policy.~~

~~16.7. Other Civil Rights Offenses. In addition to the forms of sexual harassment described above, which are covered by Title VI/Title IX/Section 504, West Virginia University Parkersburg additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title VI/Title IX/Section 504 when the act is based upon the Complainant's actual or perceived membership in a protected class. Such offenses may include, but are not limited to, the following:~~

- ~~16.7.1. Sexual Exploitation: taking non-consensual or abusive sexual advantage of another for one's own benefit or for the benefit of anyone other than the person being exploited where such conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:~~
- ~~16.7.1.a. Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts without the consent of the person being observed);~~
- ~~16.7.1.b. Invasion of sexual privacy;~~
- ~~16.7.1.c. Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity, when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity or disseminating sexual pictures without the photographed person's consent), including making or posting revenge pornography;~~
- ~~16.7.1.d. Prostituting another person;~~
- ~~16.7.1.e. Engaging in sexual activity with another person while knowingly infected with the human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI) without informing the other person of the infection;~~
- ~~16.7.1.f. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity or for the purpose of making that person vulnerable to non-consensual sexual activity;~~
- ~~16.7.1.g. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections;~~
- ~~16.7.1.h. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity;~~
- ~~16.7.1.i. Knowingly soliciting a minor for sexual activity;~~
- ~~16.7.1.j. Engaging in sex trafficking; and~~
- ~~16.7.1.k. Creation, possession, or dissemination of child pornography.~~
- ~~16.7.2. Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;~~
- ~~16.7.3. Discrimination, defined as actions that deprive, limit, or deny other members of the community educational or employment access, benefits, or opportunities;~~

- ~~16.7.4. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;~~
- ~~16.7.5. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the West Virginia University Parkersburg community when related to the admission, initiation, pledging, joining, or any other group affiliation activity as defined further in the institution's policy prohibiting hazing;~~
- ~~16.7.6. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person physically and/or mentally, which behavior is not speech or conduct otherwise protected by the First Amendment to the U.S. Constitution; and~~
- ~~16.7.7. Violation of any other West Virginia University Parkersburg policies when such violation is motivated by actual or perceived membership in a protected class and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.~~
- ~~16.7.8. Sanctions for the above-listed Civil Rights Offenses range from verbal or written reprimand through expulsion from the institution or termination of employment.~~

Section 17. Retaliation

- 17.1. Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this policy.
- ~~17.2. Members of the campus community who become aware of acts of alleged retaliation shall report them immediately to the Title VI/Title IX/Section 504 Coordinator, who shall promptly investigate them. West Virginia University Parkersburg will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.~~
- 17.3. West Virginia University Parkersburg and any member of the institution's community are prohibited from taking or attempting to take adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.
- ~~17.4. Filing a complaint within Process B may be considered retaliatory if those charges could be applicable under Process A. Therefore, West Virginia University Parkersburg vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.~~
- ~~17.5. The College charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation; *Provided*, that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.~~

Section 18. Mandated Reporting and Confidential Resources

- 18.1. All West Virginia University Parkersburg employees (faculty, staff, administrators), except for designated ~~confidential~~ [Confidential resources](#) [Resources](#), shall report actual or suspected discrimination or harassment pursuant to [Policy B-62](#), *Mandatory Reporters*. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources.
- 18.2. At West Virginia University Parkersburg, the college counselor located in the Center for Student Support Services, may maintain confidentiality and is not required to report actual or suspected discrimination or harassment; however, the counselor shall timely submit to the Vice President for Academic Affairs anonymous statistical information for Clery Act purposes. The counselor may maintain confidentiality when acting under the scope of his or her licensure, professional ethics, and/or professional credentials, except ~~in extreme cases involving a threat of danger or abuse of a minor, or~~ when required to disclose by [professional ethics](#), law, or court order. The counselor may offer options and resources without any obligation to inform campus officials unless a Complainant has requested the information be shared. The campus counselor is available to help students free of charge and may be consulted on an emergency basis during normal business hours.
- ~~18.3. The Employee Assistance Program provides external counseling resources for employees, who may find information about it in the office of Human Resources.~~
- ~~18.4. If a Complainant expects the College to take formal action in response to his or her allegations, he or she may report to any Mandated Reporter who can connect him or her with resources to report crimes and/or policy violations. Mandatory Reporters shall immediately pass reports to the Title VI/Title IX/Section 504 Coordinator (and/or police, if desired by the Complainant) to initiate the appropriate response process.~~

Section 19. When a Complainant Does Not Wish to Proceed

- 19.1. The Complainant may request that the ~~Title VI/Title IX/Section 504~~ Coordinator not share his or her name or may advise the Coordinator that he or she does not want the College to conduct an investigation or pursue a formal complaint. The Coordinator shall evaluate the request in light of the College's duty to ensure the safety of the campus and to comply with State or federal law.
- ~~19.2. The Title VI/Title IX/Section 504 Coordinator has ultimate discretion over whether West Virginia University Parkersburg proceeds when the Complainant does not wish to do so, and the Title VI/Title IX/Section 504 Coordinator may sign a formal complaint to initiate a grievance process after the Threat Assessment Team completes a violence risk assessment.~~
- ~~19.6. The Title VI/Title IX/Section 504 Coordinator does not become the Complainant by executing the written complaint. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.~~
- ~~19.7. When West Virginia University Parkersburg proceeds with an investigation, the Complainant may have as much or as little involvement in the process as he or she wishes. The Complainant retains all rights of a Complainant under this policy irrespective of his or her level of participation. When the Complainant chooses not to participate, the Title VI/Title IX/Section 504 Coordinator may appoint an Advisor as proxy for the Complainant throughout the process, who shall act to ensure and protect the rights of the Complainant.~~
- ~~19.9. In cases in which the Complainant requests confidentiality or no formal action and the circumstances allow West Virginia University Parkersburg to honor that request, West Virginia University Parkersburg will offer~~

~~informal resolution options (see, Appendix 2 to this policy), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.~~

~~19.10. The Complainant can change his or her initial decision not to take action and later decide to pursue a formal complaint.~~

Section 20. Federal Timely Warning Obligations

- 20.1. Pursuant to the Clery Act, West Virginia University Parkersburg shall issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.
- 20.2. In accordance with the Clery Act, West Virginia University Parkersburg will not disclose a Complainant's name or other identifying information, while still providing enough information for community members to make safety decisions in light of the potential danger.

Section 21. False Allegations and Evidence

- 21.1. Deliberately false and/or malicious accusations of violations of this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination that a Respondent violated this policy.
- 21.2. Witnesses and parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation are subject to discipline under West Virginia University Parkersburg policy.

Section 22. Amnesty for Student Complainants and Witnesses

- 22.3. To encourage reporting and participation in the process, West Virginia University Parkersburg may offer student parties and witnesses amnesty from minor policy violations related to the incident, such as underage consumption of alcohol or the use of illicit drugs.
- 22.4. Amnesty is not available to students involved in more serious misconduct, such as physical abuse of another or illicit drug distribution.

~~Section 24. Revision of this Policy and Associated Procedures~~

- ~~24.1. This Policy and the associated procedures provided in Appendices 1 and 2 supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title VI/Title IX/Section 504 and will be reviewed and updated annually by the Title VI/Title IX/Section 504 Coordinator.~~
- ~~24.2. During the resolution process, the Title VI/Title IX/Section 504 Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title VI/Title IX/Section 504 Coordinator may also vary procedures materially in consultation with the President and with notice to all parties involved upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.~~

~~24.3. If relevant laws or regulations change, or court decisions alter, the requirements of this policy, this document will be construed to comply with the most recent laws, regulations, or holdings. This policy does not create legally enforceable protections beyond the protections of the background State and federal laws which frame it.~~

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Approval of Board of Governors
Policy updating the policy for adopting or amending BOG rules

RECOMMENDED RESOLUTION: *Resolved*, that the West Virginia University at Parkersburg Board of Governors approve an update to the Board of Governors policy A-45 “Adoption or Amendment of Rules”

STAFF MEMBER: Dr. Torie Jackson, President

BACKGROUND:

The current Policy A-45 for “Adoption or Amendment of Rules” establishes the procedures for adoption, amendment, or repeal of rules of the college’s Board of Governors. This policy was last updated in 2013.

Changes to Policy A-45 begin with updated definitions of rules and regulations, to comply with WV Council for Community & Technical College System, *135 C.S.R. 4*. This policy update also includes a procedural aspect of notice requirements and responses to comments to posted policy changes. In addition, the policy includes updates to emergency rulemaking procedures.

A notice of proposed rulemaking will be issued proposing the revision of this policy in regards to “Adoption or Amendment of Rules” policy. If no substantial comments are received during the 30-day comment period, these policy proposals will be considered approved following the comment period without further action by the Board of Governors. Upon approval by the Board of Governors, these policy proposals will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

West Virginia University ~~at~~ Parkersburg Board of Governors

POLICY A-45
ADOPTION OR AMENDMENT OF RULES

Section 1. — General

- 1.1 Scope - This Rule governs the adoption ~~of,~~ amendment, or repeal of Rules of the West Virginia University ~~at~~ Parkersburg Board of Governors in compliance with state and federal laws and regulations.
- 1.2 Authority - ~~West Virginia Code §§ 18B-1-6, 18B-2A-4, 135 CSR 4.~~ This Rule is adopted pursuant to West Virginia Code §§ 18B-1-6, 18B-2A-4, 135 C.S.R. 4, and other applicable state and federal laws, including the Americans with Disabilities Act (ADA), Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, and the West Virginia Freedom of Information Act (FOIA).
- 1.3 Effective Date -- ~~July 17, 2013~~ March 18, 2025
(Replaces version dated ~~September 8, 2006, as transferred from WVU Board of Governors on July 1, 2008.~~) July 17, 2013)
- 1.4 Purpose - This Rule ensures transparency, participatory governance, and equitable decision-making in accordance with institutional mission and accreditation standards set by the Higher Learning Commission (HLC).

Section 2. — Purpose

- ~~2.1 — It is the purpose of the Board to encourage and facilitate, to the greatest reasonable degree, an active participatory governance process for the institution. To that end, this Rule shall be implemented to encourage and foster notice and an opportunity for comment on all institutional Rules that come before the Board for review and adoption.~~

Section ~~3.1~~ 3.2 — Definitions

- ~~3.1.1 Rule — Subject to Section 3.1.1, the name used for any regulation, policy, procedure, guideline, directive, standard, statement of policy or interpretation of general application and future effect that also has institution-wide effect or affects the rights, privileges or interests of employees, students or citizens.~~

- ~~3.1.1 — The term “Rule” shall not apply to (a) any regulation, policy, procedure, guideline, directive, standard, statement of policy or interpretation of general application and future effect established for an individual unit, division, department or school of the institution which deals solely with the internal management or responsibilities of that unit, division, department or school, or (b) an academic curricular policy that does not constitute a mission change for the institution.~~

Any regulation, guideline, directive, standard, statement of policy or interpretation of general application and future effect that also has institution-wide effect or affects the rights, privileges or interests of employees,

students or citizens. The term “policy” as it is used by the Board shall be synonymous with the term “rule” defined in this section. The following are not rules:

2.1.1. Regulations, guidelines or policies established for individual units, divisions, departments or schools of the institution that deal solely with the internal management or responsibilities of a single unit, division, department or school;

2.1.2. Academic curricular policies that do not constitute a mission change for the institution.

2.1.3. Administrative Procedure. Any regulation, guideline, directive, standard or statement of policy or interpretation of future effect that does not qualify as a “rule.”

~~3.2 — Administrative Procedure —~~

~~Any regulation, policy, procedure, guideline, directive, standard, statement of policy or interpretation of general application and future effect described in Section 3.1.1, above.~~

~~3.3 — Chancellor — The Chancellor of the Community and Technical College System.~~

Section 43. — Application

43.1 Applicability

This Rule applies to the adoption, amendment, or repeal of all institutional Rules and Administrative Procedures as defined in Section 2.

~~This Rule shall apply to the adoption, amendment, or repeal of any Rule of the West Virginia University at Parkersburg Board of Governors. This Rule shall also apply to the adoption, amendment or repeal of any Administrative Procedure solely as it relates to the posting requirements set forth in Section 6.1. This Rule does not apply to subject matter not included within the scope of Series 4 of the West Virginia Council for Community and Technical College Education, § 135-CSR 4.~~

Section 54. Rulemaking Process

~~5.1 — Every adoption, amendment or repeal of a Rule must be approved by the Board.~~

~~5.2 — If the Board determines that the institution should draft, amend or repeal a Rule, a notice of proposed rulemaking shall be provided to the Chancellor, representatives of students, faculty and classified employees, and other interested parties as identified by the President or his or her designee. Notice shall also be provided to students, faculty and staff through email and/or intranet announcements, or as otherwise deemed appropriate, and posted on the web page of the Board of Governors. A copy of the notice will also be available at the Office of the President.~~

~~5.2.1 — The notice shall specify that there shall be a public comment period of no less than thirty (30) days for the receipt of signed, written comments. The notice shall contain a brief description of the subject matter of the rule, a copy of the proposed new or amended Rule or of the Rule to be repealed, as applicable, and an explanation of how to provide comments for consideration, including the deadline~~

~~for submission of comments and contact information for the person or office designated to receive public comments. Copies of the notice shall be made available at no cost to any requester.~~

~~5.3 Following the passage of the public comment period, the Board may consider further drafts for additional comment or proceed with possible Board action pursuant to Section 5.4 or 5.5, below.~~

4.1 Proposal or Reviewing of Rulemaking

Drafting or review of rules may be initiated by the Board, the President, or through stakeholder proposals, provided such proposals are consistent with institutional goals.

4.2 Notice and Public Comment

4.2.1. Notice Requirement: A notice of proposed rulemaking shall be published on the Board's website, distributed via institutional email, and made available in alternative formats upon request. Notice shall:

4.2.1.1 Include a summary of the Rule, the full text of the proposed Rule or a copy of the current rule if repeal is proposed, and an explanation of how to submit comments.

4.2.1.2. Specify a public comment period of at least 30 days.

4.2.1.3. Notices of proposed rulemaking shall be provided directly to the Chancellor, those persons representing students, faculty, and classified employees at the institution, and other interested parties.

4.2.2. Public Comment: Comments may be submitted electronically, in writing, or through public forums. The institution shall document all received comments and provide summaries for Board review.

4.3 Board Action

4.3.1. Following the comment period, the Board may:

4.3.1.1 Approve the Rule as proposed unless not required to do so per section 4.3.2.

4.3.1.2. Modify the Rule in response to comments If written comments are received during the public comment period, the Board shall summarize the comments received and/or post these comments on the Board's designated policy website for ten (10) calendar days before final Board action is taken.

4.3.1.2. Reopen the comment period for additional feedback if significant changes are made

5.44.3.2 If the notice of proposed rulemaking was approved by the Board at a previous meeting and no comments are received during the comment period, the proposed rule, amendment or repeal shall take effect without further vote by the Board, but only if the Board, at the time of approving the notice, explicitly authorized such adoption, amendment or repeal without further Board action.

5.54.3.3—Except as set forth in ~~Section 5.4, above~~, all proposals for adoption, amendment or repeal of a Rule shall require final Board action after passage of the public comment period before the adoption, amendment or repeal may take effect, following the guidelines set forth in 135 C.S.R 4.

~~5.5.1 At least ten (10) days prior to a meeting in which the Board is to consider final approval to the adoption, amendment or repeal of a Rule, the final draft Rule, along with a copy of all written comments and evidence received and determinations made, shall be posted on the Board's web site and provided to the persons identified in Section 5.2 using the same methods of notice as described in that section.~~

~~5.5.2 Comments received shall be summarized and proposed responses prepared by the President or his or her designee for submission to the Board for consideration at the meeting. The Board may amend a proposed rule as a result of the comments or evidence received without an additional notice period.~~

~~5.6.4.3.4 Within thirty days of the adoption, amendment or repeal of a Rule by the Board, copies of the Rule, or notice of the repeal, will be forwarded to the Chancellor and shall not take effect until approved by the Chancellor or the Chancellor's designee.~~

~~5.6.1 Any adoption, amendment or repeal of a Rule by the Board shall not take effect until approved by the Chancellor or his or her designee under the procedures specified in Council for Community and Technical College Education Series 4.~~

~~5.7 Approved Rules shall be assigned a number to assist in identification of each such Rule. Rules adopted or amended by the Board will be posted prominently on the Board web site, and copies shall be made available, at no cost to the requester, in the Office of the President. Rules which have been repealed by the Board shall be marked "Repealed" on the Board web site. All written comments, evidence received and determinations made will be preserved and made available for inspection and copying in the Office of the President for a period of five years from the date of the final Board action.~~

4.4 Emergency Rulemaking

~~4.4.1 In the case of an emergency, the governing board may adopt, amend, or repeal a rule without first following the procedure set out in this rule.~~

~~4.4.2 For the purpose of this section, an emergency exists when the adoption, amendment, or repeal of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare, or is necessary to comply with a time limitation established by state or federal law or regulation or a directive or rule of the Council, or to prevent substantial harm to the public interest, or to deal with financial exigency. The facts constituting an emergency shall be communicated in writing in advance to the Chancellor, who shall disapprove the action of the governing board if the Chancellor, or his/her designees, disagrees that an emergency existed.~~

~~4.4.3. Emergency Rules shall:~~

~~4.4.3.1 Be posted on the Board's website within 5 business days of adoption.~~~~4.4.3.2 Remain in effect for no more than 90 days unless replaced through the standard rulemaking process.~~

~~4.4.3.3 Be provided to WVUP faculty, staff, and students~~

4.5 Administrative Procedures

4.5.1. Administrative Procedures do not require approval of the Board. The President or designee may develop an administrative procedure establishing the process for adopting, amending or repealing administrative procedures.

Section 6. Administrative Procedures

~~6.1 Each Administrative Procedure shall be posted prominently on the appropriate web site of the institution in a manner maximizing accessibility to affected persons, and shall be available at the main administrative offices of the institution.~~

Section 7. Emergency Action

~~7.1 If it is determined that an emergency exists under which immediate action is necessary to adopt, amend or repeal a Rule, the Board may approve such an emergency adoption, amendment or repeal of a Rule without first following the procedures set out in this Rule. Emergency rules approved by the Board will be posted prominently on the Board's web site.~~

~~7.2 For purposes of this Section 7, an emergency exists when the adoption, amendment or repeal of a Rule is necessary for the immediate preservation of the public peace, health, safety or welfare, or is necessary to comply with a time limitation established by state or federal law or regulation or a directive or rule of the Council for Community and Technical College Education, or to prevent substantial harm to the public interest, or to deal with financial exigency. The facts constituting an emergency shall be communicated in writing in advance to the Chancellor, who may disapprove the action of the Board if the Chancellor, or his/her designee, disagrees that an emergency existed.~~

~~7.3 Any emergency policy shall remain in effect no longer than three (3) months, and shall expire unless a final policy has been approved under the normal process set out in this policy.~~

Section 8. Reporting Requirements

~~8.1 No later than October 1 of each year, the Board shall file with the Council for Community and Technical College Education a list of all Board Rules that were in effect on July 1 of that year, as well as a list of Board Rules repealed during the preceding year. The list shall include the most recent date on which the Rule was adopted, amended or repealed, and a statement by the Chair of the Board certifying that the Board complied with the provisions of Section 18B-1-6 of the West Virginia Code and with Council for Community and Technical College Education Series 4 in the adoption of the Rule.~~

Section 5. Accessibility and Transparency

5.1 Accessibility of Rules

5.1.1. All Rules and Administrative Procedures shall be:

5.1.1.1 Published in accessible formats on institutional websites.

5.1.1.2 Available in alternative formats, upon request at no charge.

5.2 Transparency

5.2.1. All documents related to rulemaking, including drafts, public comments, and summaries, shall be preserved and made available for public inspection for five years from the date of final Board action.

Section 6. Reporting and Compliance

6.1 Annual Reporting

By October 1 of each year, the institution shall submit to the Council: a list of all current Rules, including their adoption or amendment dates.

6.2 Periodic Review

The President or designee shall conduct an annual review of all institutional Rules to ensure compliance with state and federal laws, accreditation standards, and institutional mission. Findings shall be reported to the Board.

Section 7. Accountability

7.1 Compliance Monitoring

The institution shall monitor compliance with all applicable laws.

7.2 Enforcement

Any violations of this Rule shall be addressed by the Board and reported to the Chancellor of the Community and Technical College System.

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Approval of Board of Governors
Policy updating the policy for making changes
in organization at the college

RECOMMENDED RESOLUTION: *Resolved*, that the West Virginia University at
Parkersburg Board of Governors approve an
update to the Board of Governors policy B-05
“Change in Organization”

STAFF MEMBER: Dr. Torie Jackson, President

BACKGROUND:

The current Policy B-05 for “Change in Organization” establishes the procedures for initiating and implementing changes to the administrative organization of the college. This policy was last updated in 2002.

Changes to Policy B-05 begin with a more clear scope of its purpose, assuring alignment with institutional mission, state laws, and stakeholder consultation. The theme of alignment with the strategic mission of the college is also part of the organizational changes update and compliance with accreditation standards. This policy update also includes a procedural aspect of how the President will inform the Board of Governors of changes at the college level involving major new programs, services, or structures.

A notice of proposed rulemaking will be issued proposing the revision of this policy in regards to “Change in Organization” policy. If no substantial comments are received during the 30-day comment period, these policy proposals will be considered approved following the comment period without further action by the Board of Governors. Upon approval by the Board of Governors, these policy proposals will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

West Virginia University at Parkersburg Board of Governors

**POLICY B-05
CHANGE IN ORGANIZATION**

Section 1. ———General

- 1.1 ~~Scope - This rule establishes West Virginia University at Parkersburg Board of Governors procedures to change administrative organization within the institution. This policy establishes the procedures for initiating and implementing changes to the administrative organization within West Virginia University Parkersburg at or above the departmental level, ensuring alignment with institutional mission, state laws, and stakeholder consultation.~~
- 1.2 ~~Authority - West Virginia Code §18B-1-6, Higher Education Policy Commission Series 13, Council for Community and Technical College Education Series W.Va. C.S.R. 13~~
- 1.3 ~~Effective Date -- September 6, 2002 March 18, 2025
(Transferred from WVU Board of Governors on July 1, 2008) Replaces version dated September 6, 2002~~

Section 2. ———Policy

- 2.1 ~~An institution may implement changes in the organization of colleges, schools, divisions, departments or other administrative units within the institution which are at or above the departmental level for purposes of organizational efficiency or administrative purposes. The president of the institution shall inform the Board of Governors of any such change prior to its implementation. Changes at the College or School level and any proposals for major new programs, services or structures shall be submitted to the Chancellor(s) of the Council for Community and Technical College Education and/or Higher Education Policy Commission at least 30 days prior to implementation. The Council for Community and Technical College Education and West Virginia Higher Education Policy Commission have reserved the right to consider and take action on any change that affects the mission of the institution or otherwise has statewide impact.~~ **Organizational Changes**
- 2.1.1 Organizational changes at or above the departmental level may be initiated for purposes of administrative efficiency, operational improvement, or strategic alignment with the institution's mission. Approval by the Board of Governors is required prior to implementation of the following changes in the organizational structure of the institution:
- 2.1.1.1 Creating any new college, school, division, or department that provides instruction.
 - 2.1.1.2. Renaming of any existing college, school, division, or department that provides instruction.
 - 2.1.1.3. Creating any new administrative division or unit headed by an individual who reports directly to the President.
- 2.1.2. In accordance with Section 3, the President shall provide written notification to the Board of Governors and the West Virginia Council for Community and Technical College Education (Council) prior to discontinuing, combining, or reorganizing any existing college, school, division,

department, center, institute, or other administrative unit or creating any new non-instructional administrative unit, other than those specified in Subsection 2.1.1.3.

2.2 ~~The president's written notification to the Board of Governors and the Chancellor(s) shall confirm that appropriately elected faculty, classified staff, student representatives and/or organizations were consulted prior to implementing any organizational change to which this provision applies.~~ **Compliance with Accreditation and Mission**

2.2.1. Organizational changes must comply with the requirements of the Higher Learning Commission (HLC) or other accrediting bodies, ensuring that changes maintain the integrity of the institution's academic and operational standards.

2.2.2. All changes made in accordance with this rule must reflect the institution's commitment to its stated mission.

~~2.3 The organizational changes to which this provision applies do not include staff changes for existing positions within the institution or organizational changes below the departmental level.~~

Section 3: Procedure

3.1 Submission and Approval Procedure

3.1.1. Changes at the College level involving major new programs, services, or structures, shall be submitted to the Council for review and approval in accordance with Council Procedural Rule 135 CSR 13 (Series 13) at least 30 days prior to implementation.

3.1.2. The President's written notification to the Board of Governors and Council shall include:

3.1.2.1 Description of the Proposed Change

3.1.2.2 Rationale for the change, including goals for efficiency, innovation, or alignment with institutional strategy.

3.1.2.3. Impact Assessment, including resource, personnel, and community effects.

3.1.2.4. Timeline for implementation.

3.1.2.5. Confirmation that appropriately elected faculty, staff, and student representatives and/or organizations were constructed prior to implementing or seeking approval of any change pursuant to this rule.

3.1.2.6. Where appropriate as determined by the President, the President may consult with Faculty Senate, Classified Staff Council, Student Representatives, and other applicable individuals or groups prior to implementing any change in organization.

3.1.3. The Board of Governors (which includes faculty, staff, and student representation) shall review all proposed changes and may provide suggested changes to the proposed change in organization, and will approve or reject the proposed change in accordance with procedures applicable to action items and institutional priority.

3.1.4. The Council reviews submissions involving major organizational changes in accordance with 135 CSR 13 (Series 13).

3.1.5. The organizational changes to which the procedures set forth in this section applies does not include staff changes for existing positions within the institution or organizational changes below the college or school level.

Section 4: Enforcement

4.1 Enforcement

4.1.1. Failure to comply with this policy may result in the postponement or invalidation of proposed organizational changes.

4.1.2. The Board of Governors retains the authority to interpret and enforce this policy.

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Approval of Board of Governors
Policy updating the policy for alternative work
schedules at the college

RECOMMENDED RESOLUTION: *Resolved*, that the West Virginia University at
Parkersburg Board of Governors approve an
update to the Board of Governors policy B-27
“Work Scheduling”

STAFF MEMBER: Dr. Torie Jackson, President

BACKGROUND:

The current Policy B-27 for “Work Scheduling” establishes the standards for determining alternative work schedules which accommodate both the business needs of the college and, as feasible, the personal needs of employees. This policy was last updated in 2005.

Changes to Policy B-27 include a revised definitions of terms like “workweek” and “variable times.” It includes updates to match the Fair Labor Standards Act. It adds procedural requirements, such as notification responsibilities of the institution when making changes to employee work schedules. It details the general provisions, including the President’s responsibilities to adjust or change employee work schedules to support the mission and goals of the institution. In addition, it updates the eligibility for employees to have alternative work schedules, as well as the responsibilities for supervisors and Human Resources. Updates to this policy comply with WV Council for Community & Technical College System, 135 C.S.R. 55.

A notice of proposed rulemaking will be issued proposing the revision of this policy in regards to “Work Scheduling” policy. If no substantial comments are received during the 30-day comment period, these policy proposals will be considered approved following the comment period without further action by the Board of Governors. Upon approval by the Board of Governors, these policy proposals will be submitted to the Chancellor of the WV Council for Community & Technical College System for final approval.

West Virginia University ~~at~~ Parkersburg Board of Governors

**POLICY B-27
WORK SCHEDULING**

Section 1. General

- 1.1 Scope - ~~This rule establishes guidelines related to work scheduling for classified, non-classified, faculty equivalent and academic professional employees at West Virginia University at Parkersburg. The college recognizes the importance of a philosophy of flexibility within the workplace that can assist in meeting the needs of both the individual and the institution. The purpose of this policy is to establish standards for determining alternative work schedules which accommodate both the business needs of the college and, as feasible, personal needs of employees.~~
- 1.2 Authority - West Virginia Code §18B-7-~~57~~ §18B-1-6 & §18B-7-9 and 135 C.S.R. 55
- 1.3 Effective Date – ~~April 8, 2005~~ March 18, 2025
(~~Transferred from WVU Board of Governors on July 1, 2008~~ Replaces version dated April 8, 2005)

Section 2. Definitions

- 2.1 Workweek – Workweek is defined in Policy SCP-2575, Overtime and Compensatory Time, ~~policy~~ as “A regularly recurring period of one hundred sixty-eight (168) hours in the form of seven (7) consecutive twenty-four (24) hour periods. It begins on Sunday at 12:01 a.m. and ends on the following Saturday at 12:00 midnight. The president or president’s designee may establish a workweek different from this provided that record keeping requirements are met as set forth in relevant law. A work schedule of thirty-seven and one-half (37.5) hours will be established within a workweek.”
- 2.2 Variable Times: The term "variable times" in the context of an employee workweek generally refers to a schedule in which an employee's work hours fluctuate rather than following a fixed schedule. This can mean variation in:
- 2.2.1 Daily Start and End Times – The employee may start and finish work at different times each day.
- 2.2.2. Number of Hours Worked Per Day – Some days may have longer shifts while others are shorter.
- 2.2.3. Days Worked Per Week – The total work days may change week to week.
- 2.2.4. On-Call or Rotating Schedules – Employees may have schedules that change based on business needs, demand, or a set rotation.
- 2.3 Flextime Work Schedules – Work schedules which do not comply with the college’s normal work schedule of 7.5 hours worked per day and a 5 day work week. Flextime work schedules must take into account shared job responsibilities and may include, but are not limited to, ~~job sharing, and~~ four-day work weeks, but must take shared job responsibilities into account.

Sections 3. Flextime Work Schedules

- 3.1 Each unit may establish flextime work schedules for its employees in cooperation with the respective dean or director.
- (a.) An employee may initiate a request for a flextime schedule; the immediate supervisor must authorize or deny the request based upon the operational needs of the unit.
 - (b.) Employees on flextime schedules are required to work the proper number of hours during the week, consistent with their position full time equivalency (FTE).

Section 4. Changes to Employee Work Schedules

- 4.1 WVU at Parkersburg is committed to maintaining reasonable continuity in working schedules and conditions for its employees. ~~Temporary changes to an employee's work schedule not based upon strong operational need shall be discouraged. Permanent changes in individual employee work schedules due to operational needs must be communicated directly to the affected employees. The supervisor shall must provide the employee with reasonable notice of such changes and send a copy of the notice to Human Resources.~~
- 4.2 Temporary Changes in employee work schedules due to operational need must be communicated directly to the affected employees as soon as the institution leadership can provide notice. ~~When possible the institution shall provide the employee with a fifteen (15) day notice of such changes. A written record of the changes will be kept in the Human Resources Office.~~

Section 5. General Provisions

- 5.1 The Board of Governors recognizes the many benefits of alternative work schedules to the institution and the employee. However, all relevant institutional policy, state and federal law, payroll, human resources, information technology, and risk management considerations must be addressed when developing or revising a recommended alternative work schedule for the institution, a department, or an employee. Overtime and compensatory time rules apply to alternative schedules.
- 5.2 The President shall must establish an institutional work schedule with operating hours necessary to provide the level and quality of service to support the institution's mission and goals.
- 5.3 Any alternative work schedule established shall must not sacrifice service or quality and should not increase costs.
- 5.4 The President reserves the right to end or modify alternative work schedule arrangements at any time for any reason and will provide employees reasonable notice of such schedule modification.
- 5.5 The President reserves the right to adjust and change established employee work week schedules at his/her/their discretion. Whenever possible, notification of workweek schedule adjustments will be provided in advance.
- 5.6 To support the institution's mission and goals, all offices must be staffed by at least one regular employee during core hours of operation. Each unit or department may define their own core hours of operation or the president will for the entire institution.
- 5.7 All schedules for full-time employees must provide a 37.5-hour workweek.

5.8 An employee's eligibility to work an alternative schedule is a privilege. For an employee to be eligible for an alternative work schedule, ~~she or he~~they must meet the following criteria:

5.8.1 The alternative work schedule ~~may~~must not reduce the effectiveness or efficiency of the affected division, office, section, work unit, or any member thereof.

5.8.2 The President may identify key personnel who are not eligible, due to the nature of the employee's job responsibilities, to participate in an alternative work schedule other than those that consist of five consecutive working days during core hours ~~of operation~~.

5.8.3 Supervisors may revoke or disallow alternative work schedules for employees who are in a disciplinary status or whose total paid leave balances fall below 40 hours.

Section 6: Responsibilities

6.1 Unit and department supervisors ~~shall~~must ensure that approved alternative work schedules include total work hours per week consistent with employee full-time equivalency (FTE).

6.2 Individual changes to the established institutional workweek schedule must be made in writing and ~~be~~ approved by the supervisor ~~and/or~~ director, the chief administrator, and the President. A written record of the changes will be kept in the Human Resources Office.

**West Virginia University at Parkersburg Board of Governors
Meeting of March 18, 2025**

ITEM: Approval of President's Contract Renewal

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia University at Parkersburg Board of Governors approves the renewal of the President's Contract.

STAFF MEMBER: Blaine Hess, Board of Governors Vice Chair

BACKGROUND:

Members of the West Virginia University at Parkersburg Board of Governors discussed the renewal of the President's contract during the Executive Session of the Board of Governors meeting. Board Vice Chair Blaine Hess provided a recommendation to members present. Members are asked to provide Hess with permission to negotiate the proposed contract, which will be sent to the West Virginia Community and Technical College System (WVCTCS) for final approval by the Chancellor and State Council.